



Order under Section 77(8) Residential Tenancies Act, 2006

Citation: CHOU v YIP, 2022 ONLTB 13718

Date: 2022-12-05

File Number: LTB-L-050761-22-SA

In the matter of: BASEMENT, 71 GLEN SPRINGS DRIVE
TORONTO ON M1W1X7

Between: QUAN CHOU Landlord

And

HO MAN YIP Tenants
YIN HA MAK

QUAN CHOU (the 'Landlord') applied for an order to terminate the tenancy and evict HO MAN YIP, and YIN HA MAK (the 'Tenants') because the Tenants entered into an agreement to terminate the tenancy.

The Landlord's application was resolved by order LTB-L-050761-22, issued on October 28, 2022. This order was issued without a hearing being held.

The Tenant filed a motion to set aside order LTB-L-050761-22.

The motion was heard by videoconference on November 29, 2022.

The Landlord and the Tenant, Ho Man Yip attended the hearing.

Determinations:

1. The Landlord and Tenant entered into an agreement to terminate the tenancy as of August 31, 2022.
2. After considering all of the circumstances, I find that it would not be unfair to set aside order LTB-L-050761-22.
3. The Landlord gave the Tenants a notice of entry to inspect the fire detectors in the unit. There's no dispute the Landlord showed up on August 2, 2022 accompanied by three people and told the Tenants they had to move because of unpaid rent. The need to have four people to inspect fire detectors is unlikely and their presence was more likely a means to intimidate in order for the Landlord to obtain his preferred outcome to end the tenancy. I am persuaded the Tenants signed the N11 to appease the Landlord so that they would leave. An agreement, signed under duress, that consents to end the tenancy obtained through improper persuasive conduct on the part of the Landlord is voidable at the choice of the Tenants who were subject to duress. The motion is granted because the Tenants

did not voluntarily agree to end the tenancy. The Landlord may exercise his rights under the Act if there's unpaid rent by following proper legal process.

It is ordered that:

1. The motion to set aside Order LTB-L-050761-22, issued on October 28, 2022, is granted.
2. Order LTB-L-050761-22, issued on October 28, 2022, is set aside and cannot be enforced.

December 5, 2022

Date Issued

Sandra Macchione

Member, Landlord and Tenant Board

15 Grosvenor Street, Ground Floor
Toronto ON M7A 2G6

If you have any questions about this order, call 416-645-8080 or toll free at 1-888-332-3234.