



Order under Section 77 Residential Tenancies Act, 2006

Citation: VORMITTAG v SHEARER, 2022 ONLTB 12933

Date: 2022-11-23

File Number: LTB-L-050917-22

In the matter of: 101, 349 QUEENSTON STREET
ST. CATHARINES ON L2P2Y1

Between: BUTERA PROPERTY HOLDING INC Landlord

And

KAMARIA SHEARER Tenant

2022 ONLTB 12933 (CanLII)

BUTERA PROPERTY HOLDING INC (the 'Landlord') applied for an order to terminate the tenancy and evict KAMARIA SHEARER (the 'Tenant') because the Tenant gave notice to terminate the tenancy.

This application was sent to a hearing to consider the merits of the Landlords application. The application was heard by videoconference on November 17, 2022. Only the Landlord's legal representative, Jennifer Ricci, attended the hearing. As of 9:36am, the Tenant was not present or represented although properly served with notice of the hearing by the Board.

Determinations:

1. The Tenant gave the Landlord notice to terminate the tenancy effective August 31, 2022. The notice to terminate by the Tenant did not provide for 60 days notice as required by section 44 of the *Residential Tenancies Act, 2006* (the 'Act'), however, based on the undisputed evidence at the hearing, I find that the Landlord confirmed with the Tenant that they would accept the Tenant's notice.
2. I am therefore satisfied that the parties entered into an agreement to terminate the tenancy for August 31, 2022. The Tenant did not vacate the rental unit by the termination date. The Tenant did not vacate the rental unit until September 30, 2022.
3. Since the Tenant did not move out of the rental unit by the termination date, the Landlord was required to file the application to obtain vacant possession. Therefore, the Tenant is responsible for paying the Landlord for the \$201.00 application filing fee incurred.

It is ordered that:

1. The tenancy between the Landlord and Tenant is terminated as of September 30, 2022. The date the Tenant gave vacant possession of the rental unit to the Landlord.
2. The Tenant shall pay to the Landlord \$201.00, for the cost of filing the application.
3. If the Tenant does not pay the Landlord the full amount owing on or before December 4, 2022, the Tenant will start to owe interest. This will be simple interest calculated from December 5, 2022 at 4.00% annually on the balance outstanding.

November 23, 2022

Date Issued

Terri van Huisstede

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.