



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

Citation: RAJAN v SANEI, 2022 ONLTB 12766

Date: 2022-11-22

File Number: LTB-L-045763-22-SA

In the matter of: 6 MERTON STREET
RICHMOND HILL ON L4E2Z2

Between: SHAMIM RAJAN Landlord

And

MAHSAN SANEI Tenant

SHAMIM RAJAN (the 'Landlord') applied for an order to terminate the tenancy and evict MAHSAN SANEI (the 'Tenant') because the Tenant entered into an agreement to terminate the tenancy.

The Landlord's application was resolved by order LTB-L-045763-22, issued on October 14, 2022. This order was issued without a hearing being held.

The Tenant filed a motion to set aside order LTB-L-045763-22.

The motion was heard by videoconference on November 17, 2022. As of 9:33am only the Landlord attended the hearing. The Tenant was not present or represented although properly served with notice of the hearing by the Board.

There is a request to withdraw the motion made by the Tenant that was filed with the Board on October 31, 2022. The request had not yet been actioned by the Board and therefore the Tenant should have attended the hearing to make the request.

Determinations:

1. Since the Tenant did not appear at the hearing to support their motion, I find that this motion has been abandoned.
2. The stay of order LTB-L-045763-22 is lifted immediately.
3. The Landlord indicated that the Tenant vacated the rental unit on November 3, 2022.

It is ordered that:

1. The motion to set aside Order LTB-L-045763-22, issued on October 14, 2022, is denied.
2. The stay of Order LTB-L-045763-22, is lifted immediately.
3. Order LTB-L-045763-22 is unchanged.

November 22, 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.