



Order under Section 77 Residential Tenancies Act, 2006

Citation: SHIVAE v NICHOLAS, 2022 ONLTB 9760

Date: 2022-10-27

File Number: LTB-L-045419-22

In the matter of: , 748 ALGOMA AVE
LONDON ON N5X1W5

Between: BEHRANG SHIVAE, MARZIEH URAZGANI Landlord

And

ELIZABETH NICHOLAS, JOYCE MARLATT, Tenants
RAYMOND BOUTIN

BEHRANG SHIVAE, MARZIEH URAZGANI (the 'Landlord') applied for an order to terminate the tenancy and evict ELIZABETH NICHOLAS, JOYCE MARLATT, RAYMOND BOUTIN (the 'Tenants') because the Tenants gave notice to terminate the tenancy.

This application was heard on October 19, 2022. Only the Landlord's representative Tim Mobberley attended the hearing.

Determinations:

1. The Tenants did not attend the hearing to challenge the Landlord's application. The signed N9 as well as correspondence shows that there was a request to terminate the tenancy and that the Landlord agreed to terminate the tenancy.
2. I find the Tenants and the Landlord agreed to terminate the tenancy.
3. Since the Tenants 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 Tenants are responsible for paying the Landlord for the \$201.00 application filing fee incurred.

It is ordered that:

1. The tenancy between the Landlord and Tenants is terminated. The Tenants must move out of the rental unit on or before November 7, 2022.
2. If the unit is not vacated on or before November 7, 2022, then starting November 8, 2022, the Landlord may file this order with the Court Enforcement Office (Sheriff) so that the eviction may be enforced.

3. Upon receipt of this order, the Court Enforcement Office (Sheriff) is directed to give vacant possession of the unit to the Landlord on or after November 8, 2022.
4. The Tenants shall pay to the Landlord \$201.00 for the cost the Landlord incurred to file the application with the Board.
5. If the Tenants do not pay the Landlord the full amount owing on or before November 7, 2022, the Tenant will start to owe interest. This will be simple interest calculated from November 8, 2022 at 4.00% annually on the balance outstanding.

October 27, 2022

Date Issued

Greg Joy

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.

In accordance with section 81 of the Act, the part of this order relating to the eviction expires on May 8, 2023 if the order has not been filed on or before this date with the Court Enforcement Office (Sheriff) that has territorial jurisdiction where the rental unit is located.