



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

Citation: Sellathurai v Ncube, 2022 ONLTB 9803

Date: 2022-10-24

File Number: LTB-L-041852-22-SA

In the matter of: 308, 1121 Bay Street
Toronto Ontario M5S 3L9

Between: Sivapalalingam Sellathurai Landlord

And

Kwanele Ncube Tenant

Sivapalalingam Sellathurai (the 'Landlord') applied for an order to terminate the tenancy and evict Kwanele Ncube (the 'Tenant') the Tenant agreed to terminate the tenancy.

The Landlord's application was resolved by order LTB-L-041852-22, issued on September 2, 2022. This order was issued without a hearing being held.

The Tenant filed a motion to set aside order LTB-L-041852-22.

The motion was heard on October 19, 2022. The Landlord's representative Brett Lockwood, and the Tenant, attended the hearing.

Determinations:

1. The Tenant agreed to terminate the tenancy, however the unit she planned to move into was no longer available. The Tenant described her personal circumstances including a newborn child around the time she was to move and requested additional time to find alternative accommodations. The Tenant requested a delay until the end of January 2023.
2. The Landlord's representative suggested a termination date of December 31, 2022 to accommodate the Tenant's needs.
3. Based on the Tenant's circumstances, and the fact the Tenant continues to pay the lawful monthly rent, I find a delay to the end of January to be reasonable. As indicated to the parties at the hearing, this order will provide the Tenant with an option to terminate the tenancy earlier than January 31, 2023, with 10 days written notice to the Landlord, should the Tenant find alternative accommodations sooner. The Landlord's representative agreed with this proposal.
4. The stay of order LTB-L-041852-22 is lifted on January 31, 2023.

It is ordered that:

1. The motion to set aside Order LTB-L-041852-22, issued on September 2, 2022, is denied.
2. The stay of Order LTB-L-041852-22, is lifted on January 31, 2023.
3. Order LTB-L-041852-22 is unchanged.
4. The Tenant may terminate the tenancy earlier than January 31, 2023 with 10 days written notice to the Landlord.

October 24, 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.