



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

File Number: LTB-L-086475-25-SA

In the matter of: Basement, 1080 Dupont
Toronto ON M6H1Z6

Between: Herminio Hermenegildo Landlord

And

Kimberly Aldridge Tenant

Herminio Hermenegildo (the 'Landlord') applied for an order to terminate the tenancy and evict Kimberly Aldridge (the 'Tenant') because the Tenant entered into an agreement to terminate the tenancy.

The Landlord's application was resolved by order LTB-L-086475-25, issued on October 20, 2025. This order was issued without a hearing being held.

The Tenant filed a motion to set aside order LTB-L-086475-25.

The motion was heard by videoconference on December 18, 2025. The Landlord represented by his wife Kelly Hermenegildo, and the Tenant, attended the hearing. Also in attendance as witness for the Landlord was Ryan Welch who testified at the hearing.

Determinations:

1. The Landlord and Tenant entered into an agreement to terminate the tenancy as of October 1, 2025.
2. The Tenant claims that she never signed the N11 agreement to terminate the tenancy and her signature was forged.
3. Kelly Hermenegildo testified that she attended the residential complex to serve an N5 on the Tenant due to a smoking complaint and the Tenant told her that she wanted to move out. The Landlord's office is in the residential complex and Ms. Hermenegildo testified that she brought an N11 to the Tenant the same day and that she saw the Tenant sign the N11.
4. Mr. Welch testified that he heard the Tenant on the phone telling someone that she wanted to move.

5. The Landlord played an audio recording of the Tenant saying she wanted to move.
6. The Tenant has not paid rent since the termination date on the N11. The Tenant testified that she has not paid rent because the Landlord has not come to pick up the rent.
7. Based on the evidence before me, I find the Tenant signed the agreement to terminate the tenancy.
8. After considering all of the circumstances, I find that it would be unfair to set aside order LTB-L-086475-25. Considering the fact that the Tenant has not paid rent for three months, I find it would be unfair to delay lifting the stay.

It is ordered that:

1. The motion to set aside Order LTB-L-086475-25, issued on October 20, 2025, is denied.
2. The stay of Order LTB-L-086475-25, is lifted immediately.
3. Order LTB-L-086475-25 is unchanged.

January 7, 2026

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.

