



Order under Section 77 Residential Tenancies Act, 2006

Citation: Kumari v Namie, 2026 ONLTB 20697

Date: 2026-03-12

File Number: LTB-L-006157-26

In the matter of: 2 Cosbury Lane
Caledon ON L7C4H2

Between: Seema Kumari Landlords
Avanish Kumar Pandey
Awdhesh Kumar Pandey

And

Gabriel Namie Tenants
Kevin Martin
Tatiana Goncalves

Seema Kumari, Avanish Kumar Pandey and Awdhesh Kumar Pandey (the 'Landlords') applied for an order to terminate the tenancy and evict Gabriel Namie, Kevin Martin and Tatiana Goncalves (the 'Tenants') because the Tenants entered into an agreement to terminate the tenancy.

A hearing was held to consider this application.

This application was heard by videoconference on March 4, 2026.

The Landlords, their legal representative Carey Blake and the third named Tenant attended the hearing.

Determinations:

1. This application was filed pursuant to section 77 of the *Residential Tenancies Act, 2006* (the 'Act'). Applications of this nature normally result in the Board issuing an eviction order without a hearing. However, this application was sent to a hearing as the N11 agreement submitted by the Landlords was signed by only one of the three Tenants named on the Landlord's application.
2. The Landlord's application was filed on January 19, 2026 and is based on a N11 Agreement to terminate the tenancy which was signed by the third-named

Landlord and the third-named Tenant on January 3, 2026. The terminate date identified in the N11 is March 31, 2026.

3. There is no dispute the three Tenants entered into a lease agreement with the Landlords on May 1, 2024.
4. The Tenant, at the hearing, testified that when the Landlords asked her to sign the N11 Agreement, they informed her that it was to remove the other Tenants from the lease. She was not told that it was to terminate the tenancy. She said she signed the N11 Agreement.
5. The Tenant said that the other Tenants are currently incarcerated and she is unaware of their circumstances. She does not have consent to speak on their behalf.
6. The Landlord's representative said that to dismiss this application would be "unfair and burdensome" to the Landlords. There was no effort to communicate with the incarcerated Tenants.

Analysis

7. As explained at the hearing, subsection 77(1)(a) of the Act provides that a tenancy may be terminated where "the landlord and tenant have entered into an agreement to terminate the tenancy." The subsection is silent on whether, where there are several joint tenants, an agreement with only one of them is sufficient to terminate the tenancy.
8. The interpretation of subsection 77(1)(a) in a joint tenancy is not settled law. However, in a number of recent decisions, the Board has found that to terminate a joint tenancy, all the tenants as well as the landlord must agree to the termination. In my view, that is the correct approach. This tenancy was formed by all three Tenants and the Landlords. The agreement of all parties would be required to dissolve it. To hold otherwise would effectively permit the Landlords and the single Tenant to evict the other Tenants, without notice, without grounds, and without their consent.
9. At common law, which governed tenants before any legislation was enacted, there was a general principle that "any legal act, including a surrender of the lease requires the participation of all the joint tenants; one cannot dispose of it by himself, for he by himself has not the whole estate in it" (see: *Soucy v. Milton Heights Inc.*, 2015 SKQB 126).
10. In my view, the Legislature intended that the general common-law principle, that a joint tenancy cannot be surrendered without the consent of all the tenants, would apply to tenancies under the Act. There is nothing to suggest otherwise,

and sections 37 and 38 are intended to strictly limit the ways in which a tenancy can be terminated.

11. Here, as the applicant, the Landlords have the onus to establish, on a balance of probabilities, that there was an agreement to terminate the tenancy March 31, 2026 by all parties. I find the Landlords have failed to do so and the Landlords' representative did not provide any precedence to the contrary.

12. As such, the Landlords' L3 application must be dismissed.

It is ordered that:

1. The Landlords' application is dismissed.

March 12, 2026

Date Issued

Dana Wren

Member, Landlord and Tenant Board

15 Grosvenor Street, Ground Floor
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If you have any questions about this order, call 416-645-8080 or toll free at 1-888-332-3234.