



Order under Section 77 Residential Tenancies Act, 2006

File Number: LTB-L-019138-26

In the matter of: UNIT 3, 460 MYLES ST
SUDBURY ON P3B2J5

Between: Guy Marcotte Landlord

And

Denis Richer Tenant

Guy Marcotte (the 'Landlord') applied for an order to terminate the tenancy and evict Denis Richer (the 'Tenant') because the Tenant gave notice to terminate the tenancy.

This application was considered without a hearing being held.

Determinations:

1. The Tenant gave notice to terminate the tenancy a of February 28, 2026, and the Tenant did not move out of the rental unit by the termination date set out in the agreement.
2. While the notice may have been defective as it was given on less that 60 days notice, contrary to section 44 of the *Residential Tenancies Act, 2006*, I find that the notice was an offer to terminate the tenancy by the Tenant. Furthermore, the Landlord has by submitting this application within a reasonable timeframe following receipt of the notice, affirmed by conduct that the Landlord accepted the Tenants' notice. The Landlord and the Tenant have therefore agreed to end the tenancy on February 28, 2026, converting the potentially defective notice to an agreement to terminate and therefore rendering moot any defect or defects in the notice.
3. Since the Tenant 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 Tenant is responsible for paying the Landlord for the \$186.00 application filing fee incurred.

It is ordered that:

1. The tenancy between the Landlord and Tenant is terminated. The Tenant must move out of the rental unit on or before March 20, 2026.
2. If the unit is not vacated on or before March 20, 2026, then starting March 21, 2026, 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 March 21, 2026.
4. The Tenant shall pay to the Landlord \$186.00, for the cost of filing the application.
5. If the Tenant does not pay the Landlord the full amount owing on or before March 20, 2026, the Tenant will start to owe interest. This will be simple interest calculated from March 21, 2026 at 4.00% annually on the balance outstanding.

March 9, 2026
Date Issued

Trish Carson

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.

The tenant has until March 19, 2026 to file a motion with the LTB to set aside the order under s.77(6) of the Act. If the tenant files the motion by March 19, 2026 the order will be stayed and the LTB will schedule a hearing.

In accordance with section 81 of the Act, the part of this order relating to the eviction expires on September 21, 2026 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.