



Order under Section 77 Residential Tenancies Act, 2006

File Number: LTB-L-029229-26

In the matter of: UPPER, 16 WILSON AVE
CHATHAM ON N7L1K7

Between: Vitaliy Yamnyuk Landlord

And

Daphne Robinson-Wagenaar Tenant

Vitaliy Yamnyuk (the 'Landlord') applied for an order to terminate the tenancy and evict Daphne Robinson-Wagenaar (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 as of March 31, 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 than 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 March 31, 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 April 25, 2026.
2. If the unit is not vacated on or before April 25, 2026, then starting April 26, 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 April 26, 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 April 25, 2026, the Tenant will start to owe interest. This will be simple interest calculated from April 26, 2026, at 4.00% annually on the balance outstanding.

April 14, 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 April 24, 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 April 24, 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 October 26, 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.