



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

Citation: Brennan v Hersant, 2026 ONLTB 43288

Date: 2026-06-01

File Number: LTB-L-008382-26-SA

In the matter of: 1433 Denver Avenue
Ottawa ON K1H7E8

Between: Hugh Brennan Landlord

And

Michael Hersant Tenants
Roland Esser

Hugh Brennan (the 'Landlord') applied for an order to terminate the tenancy and evict Michael Hersant and Roland Esser (the 'Tenants') because the Tenants entered into an agreement to terminate the tenancy.

The Landlord's application was resolved by order LTB-L-008382-26, issued on February 2, 2026. This order was issued without a hearing being held.

The Tenants filed a motion to set aside order LTB-L-008382-26.

The motion was heard by videoconference on March 2, 2026.

The Landlord and the Tenants attended the hearing. The Tenants met with Tenant Duty Counsel prior to the hearing.

Determinations:

1. On October 1, 2025, the Tenants had signed an N11 agreement to vacate the unit on or before January 31, 2026.
2. The Tenants testified that they had been initially asked to vacate as of November 15, 2025, but had agreed to January 31, 2026. The Tenants testified that they were unsure why they were asked to leave, which caused them to be nervous as they did not feel like they had sufficient money to move.
3. The Tenants testified that they had no idea how long it might take to find a new unit. The Tenants testified that they did not see the N11 as a legal document, more so a promissory note.

4. The Tenants testified that the Landlord would like to conduct renovations of the unit but has an issue with the City. The Tenants testified that they would like to vacate the unit but required more time to do so.
5. The Landlord testified that the City requires him to have vacant possession of the unit, but agreed to a delayed order to allow the Tenants time to vacate the unit.
6. Having considered the evidence of both parties, I am satisfied on a balance of probabilities that the Landlord and Tenants entered into an agreement to terminate the tenancy as of January 31, 2026.
7. After considering all of the circumstances, I find that it would be unfair to set aside order LTB-L-008382-26.
8. The stay of order LTB-L-008382-26 is lifted on June 30, 2026 to confirm that the Tenants have vacated the unit if they have not yet already based on the age of this order.

It is ordered that:

1. The motion to set aside Order LTB-L-008382-26, issued on February 2, 2026, is denied.
2. The stay of Order LTB-L-008382-26 is lifted June 30, 2026.
3. Order LTB-L-008382-26 is unchanged.

June 1, 2026
Date Issued

Jagger Benham
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.