



Order under Section 77 Residential Tenancies Act, 2006

File Number: LTB-L-042176-26

In the matter of: 1, 371 BROCK AVE.
TORONTO ON M6H3N5

Between: Jason Dunkel Landlord

And

Justin Roth Tenant

Jason Dunkel (the 'Landlord') applied for an order to terminate the tenancy and evict Justin Roth (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 the Landlord notice to terminate the tenancy effective May 31, 2026.
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 May 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 application was filed on a no-fault basis, before the termination date, it is not appropriate to require the Tenant to pay the application filing fee as costs.

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 June 22, 2026.
2. If the unit is not vacated on or before June 22, 2026, then starting June 23, 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 June 23, 2026.

June 11, 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 June 21, 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 June 21, 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 December 23, 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.