



## **Order under Section 77 Residential Tenancies Act, 2006**

**File Number:** LTB-L-051447-26

**In the matter of:** 102, 269 Parkdale Avenue North  
Hamilton ON L8H5X6

**Between:** Rupert Lynch Landlord

**And**

Nicki Taylor Tenant

Rupert Lynch (the 'Landlord') applied for an order to terminate the tenancy and evict Nicki Taylor (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, and the Tenant did not move out of the rental unit by the termination date set out in the notice.
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 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 \$201.00 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 July 3, 2026.
2. If the unit is not vacated on or before July 3, 2026, then starting July 4, 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 July 4, 2026.
4. The Tenant shall pay to the Landlord \$201.00, for the cost of filing the application.
5. If the Tenant does not pay the Landlord the full amount owing on or before July 3, 2026, the Tenant will start to owe interest. This will be simple interest calculated from July 4, 2026, at 4.00% annually on the balance outstanding.

**June 22, 2026**  
**Date Issued**

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**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 July 2, 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 July 2, 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 January 4, 2027, 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.