



## **Motion to Void an Eviction Order for Non-Payment of Housing Charges**

### **How to stop an eviction order for non-payment of housing charges**

#### **Pay all the money the order says you owe**

If you pay all the money the eviction order says you owe before the Sheriff evicts you, the eviction order is void. If your eviction order is void, you cannot be evicted and you can stay in your unit. You can pay the money to the Co-op, or into the Landlord and Tenant Board (the LTB), or part of the money to each so long as you pay **all** the money you owe.

#### **If you pay everything to the LTB**

If you pay all the money the eviction order says you owe to the LTB before the Co-op can file the eviction order with the Sheriff, then you must file a motion with the LTB. You must also file your stamped bank deposit slip with the LTB once you have made your payment.

The LTB will issue a notice to confirm that you made the payment required to void the eviction order and will send the notice to you and the Co-op.

#### **If you paid any part of the money owing to the Co-op**

If you pay all the money the eviction order says you owe before the Co-op can file the eviction order with the Sheriff, and you paid part of this amount to the Co-op, then you must file the attached "*Co-op Member's Motion to Void an Eviction Order for Arrears and Housing Charges*" with the LTB.

#### **If any of your payments were made after the enforceable date**

If any of your payment(s) were made after the Co-op could file the eviction order with the Sheriff, you must file the attached motion and declaration with the LTB.

#### **Information about the amount you must pay**

Information about the amount you must pay to void your eviction is found in the eviction order. The order tells you how much you have to pay before the date that the Co-op can file the eviction order with the Sheriff. However, if you are paying after this date, you have to pay all the money that the eviction order says you owe to stop your eviction, plus any other housing charges that have become due at the time you pay.

#### **Step 1: Complete the motion and declaration**

Fill out the motion and the attached declaration form. If you don't fill them out completely and any information is missing, it may affect the LTB's decision about whether you paid the amount required to void your eviction order and, if the LTB finds that you did not pay all the money you owe, you could be evicted.

**Important:** When you are filling out the declaration and listing your payments, you must only list payments that you made **after** your hearing. The payments you made before your hearing should already be included in the LTB's order.

#### **Step 2: File the motion, declaration and proof of payment(s)**

File the motion and the attached declaration with the LTB. There is no charge for filing a motion with the LTB.

**Important:** If you have any documents that prove that you made these payments (e.g. receipts from the Co-op, a payment deposit slip showing payment into the LTB's trust account), you must file them.



## What happens after you file the motion and declaration?

This depends on when you made your payments.

If your motion and declaration show that all of the payments were made before the date that the Co-op could file the eviction order with the Sheriff, the LTB will:

- make a decision based on your motion and declaration without holding a hearing, and
- send you and the Co-op the decision telling you whether or not the eviction order is void.

If you made any payments **after** the date that the Co-op could file the eviction order with the Sheriff:

- the LTB will schedule a hearing and issue a Notice of Hearing, and
- the LTB will send you and the Co-op an order telling you whether or not the eviction order is void.

**Important:** At the hearing, the LTB may order you to pay into the LTB any additional money that the Co-op paid to the Sheriff to have you evicted. If this is ordered and you don't pay this amount by the date in the order, your eviction order will **not** be void and you may be evicted even if you have paid all the other money you owe the Co-op.

## The LTB cannot void your eviction if...

- you don't pay the required amount to void the order,
- the Sheriff has already evicted you,
- you have already moved out of your unit, or,
- during the time you were a member of the Co-op, you previously filed a motion to void an eviction order where you made payments after the Co-op was allowed to file the eviction order with the Sheriff to have it enforced, and that motion was decided by the LTB at a hearing.



File Number

Co-op Member Name:	Co-op Name:
Address of Member Unit:	

I, _____, am asking the LTB to determine that Order number _____, dated _____ is void.
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**Important Information:**

1. The co-op member must submit any documents they have showing the payments that were made.
2. It is an offence under the *Residential Tenancies Act, 2006* to file false or misleading information with the LTB.
3. For further information you may contact the LTB at **416-314-7061** or toll-free at **1-844-288-7221**.

**Signature:**       Co-op member       Representative

First name:	Last name:	LSUC #:
Signature:	Date:	Phone number:

**COLLECTING PERSONAL INFORMATION**

The LTB collects the personal information requested on this form under section 185 of the *Residential Tenancies Act, 2006*. This information will be used to determine applications under this Act. After this form is filed, your information may also become available to the public. Any questions about the collection of this information may be directed to a Customer Service Officer at **416-314-7061** or toll-free at **1-844-288-7221**.



File Number

**Declaration About a Co-op Member's Motion**

I, \_\_\_\_\_ of the City/Town/Municipality of \_\_\_\_\_

declare that:

As of the last payment date listed in this form, I have paid:

- all the amounts I was ordered to pay as set out in the LTB's eviction order, and
- all additional regular monthly housing charges that have become owing since the LTB issued the eviction order.

I am making this motion because the total of the payments listed below is at least the amount I am required to pay to void the eviction order number \_\_\_\_\_ as set out in sections 74 and 94.16 of the *Residential Tenancies Act, 2006*.

The following lists all the payments that I made after the hearing to void the eviction order:  
(Do **not** include payments that you made before your hearing.)

Amount \$	Payment Date (dd/mm/yyyy)	Paid To (provide name(s))	Type of Payment (e.g. cash, cheque, certified cheque, money order, etc.)

To the best of my knowledge, the information in this form is complete and accurate. I understand that it is an offence under s.234 of the *Residential Tenancies Act, 2006* to file false or misleading information in this form.

\_\_\_\_\_  
Signature of Tenant

\_\_\_\_\_  
Date (dd/mm/yyyy)