

## How to stop an eviction order for non-payment of rent

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### 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 your landlord 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.

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### If you pay everything to the LTB

If you pay **all** the money the eviction order says you owe to the LTB **before** the landlord can file the eviction order with the Sheriff, you must file your stamped bank deposit slip with the LTB so that the LTB can confirm your eviction is void. You do **not** have to file this motion.

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 your landlord.

### If you paid any part of the money owing to the landlord

If you pay **all** the money the eviction order says you owe **before** the landlord can file the eviction order with the Sheriff, and you paid part of this amount to your landlord, then you must file the attached "*Tenant Motion to Void an Eviction Order for Arrears of Rent*" with the LTB. You must also complete the declaration form attached to the motion to confirm that all amounts owing have been paid.

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

If you pay **all** the money you owe, but any of your payment(s) were made **after** the landlord could file the eviction order with the Sheriff, you must file the attached motion and declaration with the LTB.

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### 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 your landlord 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 rent that has become due at the time you pay.

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### 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.

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

File the motion and the attached declaration at a LTB office. There is no charge for filing a motion with the LTB. You can also send these documents by mail or courier to a LTB office or you can file them in person at many ServiceOntario locations.

**Important:** If you have any documents that prove that you made these payments (e.g. receipts from your landlord, a payment deposit slip showing payment into the LTB trust account), you must file them along with your motion.

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**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 your landlord 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 your landlord the decision telling you whether or not the eviction order is void.

If you made any payments **after** the date that your landlord could file the eviction order with the Sheriff:

- the LTB will schedule a hearing and issue a Notice of Hearing, and
- after the hearing, the LTB will send you and your landlord 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 your landlord 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 your landlord.

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

- you don't pay the required amount to void your order,
  - the Sheriff has already evicted you,
  - you have already moved out of your unit, or,
  - during this tenancy agreement with your landlord, you previously filed a motion to void an eviction order where you made payments **after** your landlord 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.
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**Print or Type**

**Between:**

File Number

|                             |                  |
|-----------------------------|------------------|
| Tenant's name:              | Landlord's name: |
| Address of the Rental Unit: |                  |

I, \_\_\_\_\_, am asking the Landlord and Tenant Board to determine that  
order \_\_\_\_\_, dated \_\_\_\_\_ is void.  
*(file number)*

**Important Information**

1. The tenant must submit any supporting 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 Landlord and Tenant Board.
3. For further information you may contact the Landlord and Tenant Board at **416-645-8080** or toll-free at **1-888-332-3234**. Or, you may visit the LTB's website at [sjto.ca/LTB](http://sjto.ca/LTB).

**Signature**

Tenant

Representative

First Name

Last Name

Phone Number

(        )        -

|           |                   |
|-----------|-------------------|
| Signature | Date (dd/mm/yyyy) |
|-----------|-------------------|

Under section 185 of the *Residential Tenancies Act, 2006*, the Landlord and Tenant Board has the right to collect the personal information requested on this form. We use the information to resolve your application. After you file the form, your information may also be available to the public. If you have questions about how the LTB uses your personal information, contact one of our Customer Service Officers at **416-645-8080** or **1-888-332-3234 (toll free)**.

|                        |             |
|------------------------|-------------|
| <b>OFFICE USE ONLY</b> | File Number |
|------------------------|-------------|



**DECLARATION FOR THE TENANT'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 of the rent arrears, all NSF cheque charges and administration charges, and all costs I was ordered to pay as set out in the LTB's eviction order,
- all additional rent that has become owing under my tenancy agreement 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 eviction order \_\_\_\_\_ as set out in section 74 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<br>(dd/mm/yyyy) | Paid To<br>(provide name(s)) | Type of Payment<br>(e.g. cash, cheque, certified cheque, money order, etc.) |
|-----------|------------------------------|------------------------------|---|
|           |                              |                              |   |
|           |                              |                              |   |
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|           |                              |                              |   |
|           |                              |                              |   |

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)

**OFFICE USE ONLY:**

Delivery Method:  In Person  Mail  Courier  Email  E-file  Fax MS  FL