



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, and you want the LTB to confirm in writing that the eviction order is void, 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 any part of this amount to the Co-op, and
- want the LTB to determine that your eviction order is void and confirm this in writing,

you must file the attached “Co-op Member Affidavit and Motion to Void an Eviction Order for Arrears of Housing Charges” with the LTB, and, the affidavit must be sworn or affirmed.

If you make the required payment and file your motion and sworn affidavit, the order that the LTB issues is proof that you have paid all the money you need to pay to stay in the unit and it tells the Sheriff that your eviction should be stopped.

If any of your payments were made after the enforceable date

Important: If any of your payment(s) were made after the Co-op could file the eviction order with the Sheriff and you want the LTB to determine that you paid the full amount required to void your eviction order, you must file the attached motion and affidavit with the LTB, and, the affidavit must be sworn or affirmed.

Information about the amount you must pay

Information about the payment that you need to make to void your eviction order 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 affidavit

You must completely fill out the motion and the attached affidavit 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 affidavit 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: Swear or affirm the affidavit

You must swear or affirm that the information in the affidavit is true. The person you must swear this before is a Notary Public or a Commissioner of Oaths.

The LTB has staff in many of its offices who can commission an oath. Some staff at ServiceOntario locations can also commission an oath.

Step 3: File the motion, affidavit and proof of payment(s)

File the motion and the attached affidavit 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 affidavit?

This depends on when you made your payments.

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

Important: The LTB will send the Co-op any money you paid to the LTB in trust, even if the LTB decides that you did not make the required payment to void your eviction.

If you paid **after** the date in the order that the Co-op could file the eviction order with the Sheriff:

- the LTB will schedule a hearing and issue a Notice of Hearing,
- you and the Co-op will attend an LTB hearing, and then,
- 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,
- you paid **after** the date that the Co-op could file the eviction order with the Sheriff, and, during the time you were a member of the Co-op, you previously filed a motion to void an eviction order based on payments made after the enforceable date.



Co-op Member's Affidavit and Motion to Void an Eviction Order for Arrears of Housing Charges

(Disponible en français)

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.

Important Information:

1. It is an offence under the *Residential Tenancies Act, 2006* to file false or misleading information with the LTB.
2. 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 **416-645-8080** or toll-free at **1-888-332-3234**.



File Number:

I, _____ of the City/Town/Municipality of _____
 make an oath or affirm and say as follows:

As of the last payment date listed in this affidavit, 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.)

Payment Date (dd/mm/yyyy)	Amount \$	Paid to (provide names)	Type of payment (eg: cash, cheque, certified cheque, money order, etc.)
/ /	.		
/ /	.		
/ /	.		
/ /	.		
/ /	.		

I understand that filing false or misleading information with the LTB is against the law, and that if I am convicted of this offence under the *Residential Tenancies Act, 2006*, I may be fined up to \$25,000.

Sworn (or affirmed) before me at _____ of _____

this _____ day of _____, 20 _____.

 Signature of Commissioner

 Signature of Co-op Member