

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

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 Board), or part of the money to each so long as you pay all the money you owe.

If you pay everything to the Board

If you pay **all** the money the eviction order says you owe to the Board **before** the landlord can file the eviction order with the Sheriff, and you want the Board to confirm in writing that your eviction order is void, you must file your stamped bank deposit slip with the Board once you have made your payment. You do **not** have to file this motion and affidavit.

The Board 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 any part of this amount to your landlord, and
- want the Board to determine that your eviction order is void and confirm this in writing,

you must file the attached "*Tenant Affidavit and Motion to Void an Eviction Order for Arrears of Rent*" with the Board, and, the affidavit must be sworn or affirmed.

If any of your payments were made after the enforceable date

If you make the required payment and file your motion and sworn affidavit, the order that the Board 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.

Important: If any of your payment(s) were made **after** the landlord could file the eviction order with the Sheriff and you want the Board to determine that you paid the full amount required to void your eviction order, you must file the attached motion and affidavit with the Board, 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 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.

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 Board's decision about whether you paid the amount required to void your eviction order and, if the Board 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 Board'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 Board has staff in many of its offices who can commission an oath. Some staff at the province's 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 at a Board office. There is no charge for filing a motion with the Board. You can also send these documents by mail or courier to a Board 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 Board's trust account), you should 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 your landlord could file the eviction order with the Sheriff, the Board will:

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

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

If you paid **after** the date in the order that your landlord could file the eviction order with the Sheriff:

- the Board will schedule a hearing and issue a Notice of Hearing,
- you and your landlord will attend a Board hearing, and then,
- the Board will send you and your landlord an order telling you whether or not the eviction order is void.

Important: At the hearing, the Board may order you to pay into the Board 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.

**The Board
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 Board 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. It is an offence under the *Residential Tenancies Act, 2006* to file false or misleading information with the Landlord and Tenant Board.
2. 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 Board's website at sjto.ca/LTB.

Signature

Tenant Representative

First Name

Last Name

Phone Number

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Signature	Date (dd/mm/yyyy)
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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 Board uses your personal information, contact one of our Customer Service Officers at **416-645-8080** or **1-888-332-3234 (toll free)**.

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AFFIDAVIT ABOUT A TENANT'S MOTION

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 of the rent arrears, all NSF cheque charges and administration charges, and all costs I was ordered to pay as set out in the Board's eviction order,
- all additional rent that has become owing under my tenancy agreement since the Board 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 dd/mm/yyyy	Paid to: (provide name(s))	Type of payment (e.g. cash, cheque, certified cheque, money order, etc.)

I understand that filing false or misleading information with the Landlord and Tenant Board 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 the _____ of _____
 this _____ day of _____, 20_____.

 Signature of Commissioner

 Signature of Tenant

OFFICE USE ONLY:

Delivery Method: In Person Mail Courier Email Efile Fax MS FL