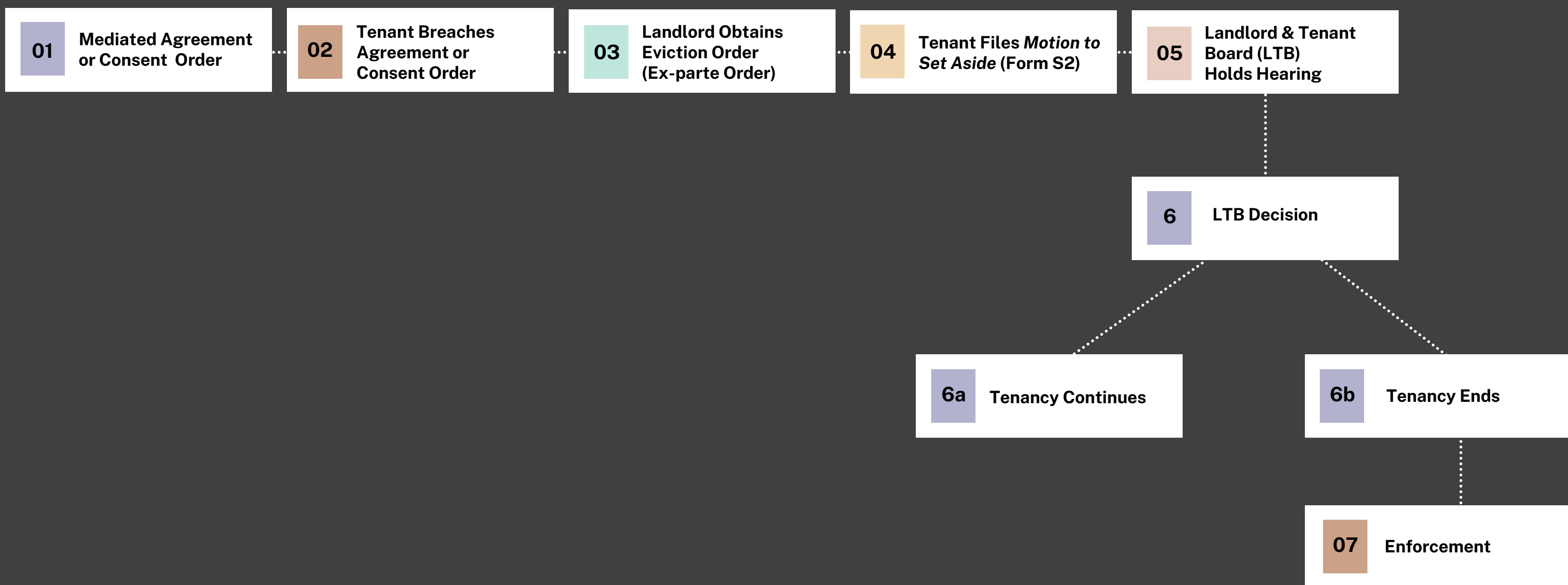


MOTION TO SET ASIDE EX-PARTE ORDER

Under the Residential Tenancies Act, 2006



01

Mediated Agreement or Consent Order

- Eviction disputes at the LTB are often resolved through Mediated Agreements or Consent Orders.

02

Tenant Breaches Agreement of Mediated Agreement or Consent Order

- These agreements usually incorporate a clause allowing the landlord to obtain an eviction order without notice to the tenant if the tenant breaches the terms of the agreement (*RTA section 78*).

03

Landlord Obtains Eviction Order (Ex-parte Order)

- An Ex-parte order is an order obtained without notice to the tenant. If a landlord obtains an ex-parte order resulting from the breach of an agreement, you (the tenant) will have 10 days from the date of the ex-parte order to file a *Motion to Set Aside* an Ex-parte Order (*Form S2*). There is no fee to file this motion.

04

Tenant Files Motion to Set Aside (Form S2)

- Once the motion is filed, the Board will stop the enforcement of the ex-parte eviction order (this is called a stay) and hold a hearing.

05

Landlord and Tenant Board Holds Hearing

- The hearing is your opportunity to explain the circumstances that led to the breach, if it occurred, and request a remedy from the Board.

06

LTB Decision

- After a hearing, the Board may ratify the order and terminate the tenancy; OR they may allow the tenancy to continue with the same terms and conditions the parties previously agreed on; OR they may impose new terms and conditions.

07

Enforcement

- In the event the tenancy is terminated, the landlord will be allowed to enforce the order.
- Enforcement is done through the Sheriff's Office - sometimes with Police assistance.
- The Sheriff's Office will send a removal or enforcement notice to the rental unit, addressed to you, the tenant, with date and time the locks will be changed. The landlord cannot change the locks. Only the Sheriff can change the locks.

Get **free** legal advice regarding the *Motion to Set Aside* and how to enforce your rights by contacting:



450 Frederick St. #101, Kitchener ON N2H 2P5

Phone: 519-743-0254 or Online Contact Form found at: www.wrcls.ca

