

MOTION TO VOID FOR PAYMENT

Under the Residential Tenancies Act, 2006

STEP 1

Tenant Receives LTB Order for Eviction Resulting from Rent Arrears

You can void an eviction order for rent arrears by paying the amount owed to the landlord as stated in the order. The order will indicate the date by which you have to pay the amount owed or move out. This is called a termination date (TD).

STEP 2.a

Tenant pays **BEFORE** order becomes enforceable

STEP 2.b

Order void

If you pay the full amount owed by the termination date, the order is void and the tenancy continues.

STEP 3.a

Tenant pays **AFTER** the date stated on the order, but **BEFORE** the Sheriff changes the locks

If the payment is made after the termination date but before the Sheriff changes the locks, you must file a Motion to Void for Payment and a Declaration with the LTB.

STEP 3.b

Tenant Files Motion to Void for Payment & Declaration

The declaration that accompanies the motion must include details of the payment you made to void the eviction order.

This includes:

- all rent arrears and filing fees per eviction order
- any additional rent due per tenancy agreement after the order was issued
- any amount for NSF cheques
- administrative charges, if applicable.

The Sheriff's fees do not need to be paid at the time you filed the motion, but if your landlord has to pay for expenses incurred, the Board will determine the deadline for you to pay it back. If you do not pay by the deadline, the order will not be voided.

A Motion to Void for Payment can only be filed once during the period of the tenancy with the landlord for that rental unit.

STEP 4

LTB Hearing

After the motion is filed, the Board will schedule a hearing.

The Board will determine if you have made all the payments required to void the order.

If the Sheriff's fees are outstanding, the Board will set out a date to pay it by. If Sheriff's fees are NOT paid accordingly, the order is NOT effectively void.

STEP 5.a

Order is void

STEP 5.b

Order is not void

STEP 6.a

Tenancy Continues

STEP 6.b

Enforcement

Landlord may continue with eviction and have sheriff attend.

Get **free** legal advice regarding the Motion to Void for Payment 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

