

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. You can pay the money to your landlord or into the Board. If your eviction order is void, it means that you cannot be evicted and you can stay in your unit.

However, if you want the Board to issue an order that says you can stay in your unit, **you must make the required payment and then file a motion with the Board.** If you make the required payment, the order that the Board issues on your motion 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.

Information about the required payment that you need to make to void your eviction order is found in the eviction order. It tells you how much you have to pay **before** the date that your landlord can go to the Sheriff and file the eviction order. However, if you are paying **after** this date to stop your eviction, you have to pay all the money that the eviction order says you owe, plus any other rent that has become due.

Step 1: Complete the motion and affidavit

You must completely fill out the motion and the attached affidavit form. If you don't fill it out completely and there is information missing, the Board will **not** accept your motion.

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

File the motion and the attached affidavit at a Board office. There is no charge for filing a motion with the Board. You can file these documents in person at any of our offices or send them to us by fax, courier or mail. You can also file these documents at many ServiceOntario locations.

Important: If you have any documents that prove that you made these payments (e.g. receipts from your landlord), you should file copies of these too.

Continued on next page

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

What happens next... This depends on when you made your payments.

If you believe that you paid everything before your landlord could file the eviction order with the Sheriff to have it enforced:

- a Board Member will make a decision on your motion without holding a hearing, and then,
- the Board will send you and your landlord an order telling you whether or not the eviction order is void.

Important: The Board will send the money you paid to your landlord, even if the Member decides that you did not pay enough or you did not pay on time.

If you paid money after the date the landlord could file the eviction order with the Sheriff to have it enforced:

- the Board will schedule a hearing and give you copies of your documents and a Notice of Hearing, and then,
- you must give your landlord a copy of your motion and affidavit, along with the Notice of Hearing before the hearing (see the Important Information section on the motion form for more details)
- next, a hearing will be held in front of a Board Member and they will make a decision about your motion, 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, a Member may order that you 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 order if ...

- the Sheriff has already evicted you, or,
 - you have already moved out of your unit, or,
 - during this tenancy agreement with landlord, you have already filed a motion to void an eviction order where one or more of your payments were made **after** the date that your landlord could file the eviction order with the Sheriff to have it enforced.
-

AFFIDAVIT ABOUT A TENANT'S MOTION

File Number: -

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

I made the following payments to void the order evicting me:

Payment Amount \$	Payment Date dd/mm/yyyy	Payment Made to: [provide name(s)]	Payment Method (e.g. cash, cheque, certified cheque, money order, etc.)

Sworn (or affirmed) before me at the _____ of _____
this _____ day of _____, 20_____.

Signature of Commissioner

Signature of Tenant

For Office Use Only:

Delivery Method:

In Person

Mail

Fax

Courier

Email

FL

52001

