



How to Serve a Motion to Set Aside and Notice of Hearing

Your Motion and Notice of Hearing

When you file a motion to set aside an order with the Board, a hearing will be scheduled. You will be given a package, which includes two copies of your **Motion** and two copies of a **Notice of Hearing**.

The Notice of Hearing tells you the date, time and location of your hearing.

You must give a copy to the other parties

You **must give a copy** of the **Motion** and a copy of the **Notice of Hearing** to the other parties named in the application. In some applications, there may only be one other party; in other applications there may be more than one other party.

If there is more than one other party, you will need to make enough photocopies for each of them.

Remember to keep a copy of the motion and the Notice of Hearing for yourself.

Deadline to give these documents

You must give a copy of the motion and Notice of Hearing to the other parties named in the application **at least 48 hours** before the time of the hearing.

Tenants must also give a copy to the Court Enforcement office

If you are a tenant, you must also give a copy of the motion and Notice of Hearing to the Court Enforcement Office (Sheriff). This will let the Sheriff know that the order should not be enforced.

How to give these documents

You can give these documents to another party in any of the following ways:

You can...	If you do, then the documents are considered to be received on...
hand the documents to the other party in person	the day you hand them to the other party.
send the documents by courier	the next business day after the documents were sent.
leave the documents in the mailbox where that person receives mail	the day you placed them in their mailbox.
send the documents by regular mail to that person's last known mailing address	the 5 th day after you mailed them.
send the documents by fax to a person's home fax machine if they have one, or you can fax them to their business if they run a business.	the date that is imprinted on the fax.

You can also give a copy of the documents to...	In the following way...
a landlord	by giving them to an employee or representative of the landlord, such as a superintendent or property manager.
a tenant	<ul style="list-style-type: none"> • by giving them to anyone in the rental unit who appears to be an adult, or • by placing them under the door of the rental unit, or • by placing them through the mail slot in the door.
a person's agent or representative	by giving them to that person by fax, mail or courier.

You can ask someone else to give the documents.

You can ask someone else to give these documents to the other parties in one of the ways outlined above.

If someone else does this for you, the person who gives the documents to the other parties must be prepared to prove to the Board that the documents were properly given.

You must let the Board know how and when the documents were given

After you have given the documents to the other parties, you should file a **Certificate of Service** with the Board, either before or at your hearing. This form tells the Board how and when each party was given a copy of the motion and the Notice of Hearing.

The person who gave the documents to the other parties is the person who **must** sign the Certificate of Service form.

A copy of this form is included in the Notice of Hearing package that you received from the Board.

If you do not file a Certificate of Service with the Board, you must be prepared to tell the Board Member at the hearing, how and when you gave the documents to the other parties. If someone else gave the documents to the other parties, that person should come to the hearing with you to provide these details.

If these documents are not given on time

If you do not give a copy of the motion and Notice of Hearing to all of the other parties on time, your hearing may be delayed or your motion to set aside the order may be dismissed.

If the Board dismisses your motion, any stay of the order will be cancelled. The order will remain in effect and if the order allows for eviction, the landlord may ask the Sheriff to evict the tenant.

For More Information

Contact the Board

This brochure provides general information only. For more information, or to obtain copies of the Board's forms and publications, you may:

- visit the Board's website at **www.LTB.gov.on.ca**.
- call the Board at **416-645-8080** or toll-free at **1-888-332-3234**, or
- visit your local Landlord and Tenant Board office. For a list of Board office locations visit the Board's website or call the numbers listed above.