



**Order under Section 74(6)
and Direction Authorizing Payment-Out under Subsection 195(2)
Residential Tenancies Act, 2006**

Citation: Al harazi v Patil, 2023 ONLTB 18630

Date: 2023-02-01

File Number: LTB-L-001032-22-VO

In the matter of: 1212, 4460 TUCANA CRT
MISSISSAUGA ON L5R3K9

Between: Shiraz Al Harazi Landlord

And

Harsh Patil Tenants
Kavita Patil

On January 16, 2023 the LTB issued order LTB-L-001032-22 terminating the tenancy and evicting Harsh Patil and Kavita Patil (the 'Tenants') because the Tenant failed to pay rent that the Tenant owes.

On January 30, 2023 the Tenant filed a motion to void order LTB-L-001032-22 because before the eviction order became enforceable, the Tenant paid Shiraz Al Harazi (the 'Landlord') and the LTB the amount required to void the order under subsection 74(4) of the *Residential Tenancies Act, 2006* (the 'Act').

Determinations:

1. The Tenant filed a declaration stating that the full amount required to void order LTB-L-001032-22 was paid to the Landlord and the LTB before the eviction order became enforceable on January 27, 2023.
2. The Tenant has paid into the Board \$24,666.00 to void the order. This shall be ordered to be paid out to the Landlord.
3. In accordance with paragraph 4 of the order, the Tenant has deducted from the arrears owing, \$1,200.00 for the period from August 2022 to December 2022.
4. As a result, I am satisfied that the Tenant has paid \$25,866.00 on or before January 27, 2023 to void the order.

It is ordered that:

1. The motion to void order LTB-L-001032-22 is granted.

2. Order LTB-L-001032-22 is void and cannot be enforced by the Landlord.
3. The part of order LTB-L-001032-22 relating to eviction of the Tenant based on arrears of rent is void. The remaining parts of the combined order continues in full force and effect.
4. The amount of \$24,666.00 paid into the LTB by the Tenant shall be paid out to the Landlord.

February 1, 2023

Date Issued

Robert Patchett

Vice Chair, Landlord and Tenant Board

15 Grosvenor Street, Ground Floor
Toronto ON M7A 2G6

If you have any questions about this order, call 416-645-8080 or toll free at 1-888-332-3234.

When the LTB directs payment-out, the Canadian Imperial Bank of Commerce will issue a cheque to the appropriate party(ies) named in this order. The cheque will be in the amount directed plus any interest accrued up to the date of this order.

The Landlord has until February 11, 2023 to file a motion with the LTB to set aside the order under s. 74(6) of the Act. If the Landlord files the motion by February 11, 2023 the LTB will schedule a hearing.