



**Order under Subsection 74(14)
Residential Tenancies Act, 2006**

Citation: Tough v Nicholson, 2023 ONLTB 37344

Date: 2023-05-15 **File Number:**
LTB-L-018411-23-VO

In the matter of: 823, 2490 Old Bronte Road Oakville
ON L6M0Y5

Between: Laurie Tough Landlord

And

Sarah Nicholson Tenant

Sarah Nicholson (the 'Tenant') filed a motion to set aside order HOL-12206-21 because, before the eviction order was enforced, the Tenant paid the amount required under subsection 74(11) of the *Residential Tenancies Act, 2006* (the 'Act') to void the order.

This motion was heard by videoconference on March 16, 2023. The matter was adjourned to May 5, 2023 to conclude the hearing.

The Landlord's representative William Redgate, the Tenant's representative Audrey Huntley and the Tenant attended the hearing.

Determinations:

1. The Tenant has not previously made a motion under subsection 74(11) of the Act to set aside an eviction order during this tenancy.
2. Before the Tenant filed this motion, the Tenant paid a total of \$11,049.00 to the Landlord. The amount paid represents all the rent that is in arrears under the tenancy agreement, all additional rent that would have been due under the tenancy agreement up to February 28, 2023, all NSF and related administration fees the Landlord incurred and the filing fee for this application. This payment is at least the amount required under subsection 74(11) to void the eviction order.

3. The Landlord paid \$334.00 to the Court Enforcement Office (Sherriff) for the purpose of enforcing the eviction and this amount is non-refundable.

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4. The Tenant has not reimbursed the Landlord for the enforcement costs the Landlord incurred.
5. At the time of the hearing the Landlord submitted that they would accept \$167.00 as reimbursement towards this cost from the Tenant.

It is ordered that:

1. Order HOL-12206-21 is void and cannot be enforced by the Landlord if the condition set out in paragraph 2 of this order is met.
2. The Tenant shall pay \$167.00 to the LTB on or before May 19, 2023. This amount represents the non-refundable enforcement costs the Landlord incurred.
3. If the Tenant pays the amount set out in paragraph 2 on or before May 19, 2023, then an employee of the LTB will issue a notice acknowledging that the eviction order related to arrears is void.
4. If the Tenant does not pay the amount set out in paragraph 2 on or before May 19, 2023 then an employee of the LTB will issue a notice acknowledging that the eviction order related to arrears is not void and the eviction order becomes enforceable.
5. The amount of \$167.00 paid into the LTB by the Tenant shall be paid out to the Landlord.

May 15, 2023

Date Issued

Alicia Johnson

Member, 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.

Notes:

- The Tenant cannot make another motion under subsection 74(11) of the Act to set aside an eviction order during the period of the Tenant's tenancy agreement with the Landlord.

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

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