



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

Citation: Kiani v Miyazawa, 2023 ONLTB 25424

Date: 2023-03-07 **File Number:**
LTB-L-030738-22-VO

2023 ONLTB 25424 (CanLII)

In the matter of: Basement, 116 YORK DOWNS DR NORTH
YORK ON M3H2G7

Between: Zahra Kiani Landlord

And

Tsuneaki Miyazawa Tenant

On February 2, 2023, the Board issued order LTB-L-030738-22 terminating the tenancy and evicting Tsuneaki Miyazawa (the 'Tenant') because the Tenant failed to pay rent that the Tenant owes.

On March 6, 2023, the Tenant filed a motion to void order LTB-L-030738-22 because before the eviction order became enforceable, the Tenant paid to the Board in trust the amount required to void the order under subsection 74(4) of the *Residential Tenancies Act, 2006* (the 'Act').

This motion was addressed without a hearing being held.

Determinations:

1. Before the Tenant filed this motion, the Tenant paid a total of \$5,334.00 to the Board in trust. 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 March 31, 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(6) to void the eviction order.

It is ordered that:

1. Order LTB-L-030738-22 is void and cannot be enforced by the Landlord.
2. The amount of \$5,334.00 paid into the LTB by the Tenant shall be paid out to the Landlord
3. The Board shall pay to the Landlord the amount \$5,334.00 together with any accrued interest.

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2023 ONL TB 25424 (CanLII)

March 7, 2023

Curtis Begg

Date Issued

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:

- 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.

