



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

Citation: Kapralos v Copeland, 2022 ONLTB 9730

Date: 2022-10-27

File Number: LTB-L-001229-21-VO

In the matter of: PH06, 8 MCKEE AVE
NORTH YORK ON M2N7E5

Between: Joanna Kapralos, Peter Kapralos Landlord

And

Jane Sandoval, Rufus Copeland Tenant

2022 ONLTB 9730 (CanLII)

Jane Sandoval, Rufus Copeland (the 'Tenant') filed a motion to set aside order LTB-L-001229-21 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 on October 19, 2022. The Landlord’s representative Daniel Abraham, and the Tenant Rufus Copeland, attended the hearing.

The parties agree the Tenants have paid the amount required to void the order. The amount the Landlord paid to file the order with the Sheriff remains outstanding. The Tenant agreed to pay this amount into the Board no later than November 1, 2022.

Determinations:

1. The Tenants have not previously made a motion under subsection 74(11) of the Act to set aside an eviction order during this tenancy.
2. The Landlord paid \$330.00 to the Court Enforcement Office (Sheriff) for the purpose of enforcing the eviction and this amount is non-refundable.
3. The Tenants have not reimbursed the Landlord for the enforcement costs the Landlord incurred.

It is ordered that:

1. The Tenants shall pay \$330.00 to the LTB on or before November 1, 2022. This amount represents the non-refundable enforcement costs the Landlord incurred.
2. If the Tenants pay the amount set out in paragraph 1 on or before November 1, 2022, then an employee of the LTB will issue a notice acknowledging that the eviction order related to arrears is void.

3. If the Tenants do not pay the amount set out in paragraph 1 on or before November 1, 2022, then an employee of the LTB will issue a notice acknowledging that the eviction order is not void and the eviction order becomes enforceable.
4. The amount of \$17,436.00 paid into the LTB by the Tenant shall be paid out to the Landlord.

October 27, 2022

Date Issued

Greg Joy
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(ies) named in this order. The cheque will be in the amount directed plus any interest accrued up to the date of this order.