



Order under Section 74(14) Residential Tenancies Act, 2006

Citation: Aslan Beigi v Ciuffreda, 2026 ONLTB 12768

Date: 2026-02-12

File Number: LTB-L-105038-24-VO-BIR

In the matter of: Main Floor, 88 ROCKPORT CRES
RICHMOND HILL ON L4C2L8

Between: Farzad Aslan Beigi Landlord

And

Mary Ciuffreda Tenants
Liza Alonzi

Mary Ciuffreda and Liza Alonzi (the 'Tenants') filed a motion to set aside order LTB-L-105038-24 because, before the eviction order was enforced, the Tenants paid the amount required under subsection 74(11) of the *Residential Tenancies Act, 2006* (the 'Act') to void the order.

This motion was resolved by order LTB-L-105038-24-VO, issued on August 14, 2025. On September 25, 2025, the LTB issued interim order LTB-L-105038-24-VO-BIR-IN, which sent this matter to an LTB Initiated Review hearing.

The LTB Initiated Review hearing was held by videoconference on October 24, 2025. The Landlord's legal representative S. Cowan and the Tenants' legal representative G. Gosling attended the hearing.

Determinations:

1. The issues on this LTB initiated review were:
 - whether the LTB seriously erred by ordering the Tenants to pay more than the amount to which the Landlord was entitled under subs. 74(15) of the Act; and
 - whether the Landlord engaged in an abuse of process by instructing the Sheriff to evict the Tenants after receiving compensation for the Sheriff's fee.
2. The order under review found that the Tenants had paid all outstanding arrears and required the Tenants to pay \$479.88 into the LTB to compensate the Landlord for the non-refundable Sheriff's fee. The Tenants paid this amount to the Landlord instead of to the LTB. The Tenants filed a second motion to void the order, which was denied because a tenant may only file one such motion during the course of the tenancy. The Tenants believed that the Landlord had taken steps to enforce the order.

3. At the LTB initiated review hearing the Landlord's representative stated that the Landlord had taken no further steps after the Tenants had compensated the Landlord for the Sheriff's fee. I am therefore not satisfied that the Landlord abused the Board's process by instructing the Sheriff to enforce the order.
4. I do find that the Member made a serious error in the order. At the original hearing of the motion the Landlord gave evidence that they spent \$479.88 to file the order with the Sheriff. The invoice filed by the Landlord shows that this amount includes not only the fee charged by the Sheriff but also a charge from a process server who filed the order.
5. On a motion to void pursuant to subs 74(11) of the Act, if the landlord has paid the Sheriff's fee they are entitled to an order requiring the Tenant to compensate them for this fee. The authority to make this order is found at subs. 74(15) of the Act, which provides as follows:
 - (15) If, on a motion under subsection (11), the Board determines that the landlord has paid any non-refundable amount under the [Administration of Justice Act](#) for the purpose of enforcing the order under subsection (3), the Board shall specify that amount in the order made under clause (14) (a) and shall provide in the order that it is not effective unless,
 - (a) the tenant pays the specified amount into the Board by a date specified in the order; and
 - (b) an employee in the Board issues a notice under subsection (16).
6. The non-refundable amount to which subs. 74(15) refers is the Sheriff's fee. It does not include other costs, like the cost of paying someone else to file the order with the Sheriff. The error here was to make voiding the order conditional on paying an amount in excess of the amount to which the Landlord was entitled by subs. 74(15).
7. The parties agree that the Tenants have paid \$479.88 to the Landlord. The Sheriff's fee was \$324.00 and the additional costs claimed were \$155.88. The most appropriate way to correct the error is to cancel the original order and replace it with an order finding that order LTB-L-105038-24 is void. In the circumstances it is also appropriate to order the Landlord to pay the Tenant \$155.88, which is the amount the Tenant overpaid the Landlord as a result of the error in the order.

It is ordered that:

1. Order LTB-L-105038-24-VO, issued on August 14, 2025, is cancelled.
2. Order LTB-L-105038-24 is void and cannot be enforced by the Landlord.
3. On or before February 28, 2026 the Landlord shall pay to the Tenant \$155.88 if they have not already done so.
4. If the Landlord does not pay the amount owing on or before February 28, 2026, the Tenants may deduct the same amount from future rent due to the Landlord.

February 12, 2026
Date Issued

Renée Lang
Vice Chair, Landlord and Tenant Board

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