



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

Citation: Shaikh v S'ad, 2026 ONLTB 37956

Date: 2026-05-18

File Number: LTB-L-045271-25-VO

In the matter of: 237, 1145 JOURNEYMAN LANE
MISSISSAUGA ON L5J0B5

Between: Muhammad Ahmed Shaikh
Farah Ahmed Landlords

And

Caryma Fayez S'ad Tenant

Caryma Fayez S'ad (the 'Tenant') filed a motion to set aside order LTB-L-045271-25 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 April 14, 2026.

The Landlord 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 \$26,503.20 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 March 31, 2026, 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 did not dispute that the amounts owed pursuant to the order were paid, but made submissions that the order is not void because the Tenant failed to pay interest. The Tenant disputes that interest is required to be paid to void the order.
4. Section 74(11) of the Act sets out the amounts a tenant is required to pay for an order to be void, specifically:

1. The amount of rent that is in arrears under the tenancy agreement.
 2. The amount of additional rent that would have been due under the tenancy agreement as at the date of payment by the tenant had notice of termination not been given.
 3. The amount of NSF cheque charges charged by financial institutions to the landlord in respect of cheques tendered to the landlord by or on behalf of the tenant, as allowed by the Board in an application by the landlord under section 87.
 4. The amount of administration charges payable by the tenant for the NSF cheques, as allowed by the Board in an application by the landlord under section 87.
 5. The costs ordered by the Board.
5. Interest that is ordered is not listed as an amount a tenant is required to pay to void an order pursuant to section 74(11).
6. Section 74 The Act only permits the following orders to be made in relation to a tenant's motion to void:
- (14) Subject to subsection (15), if a tenant makes a motion under subsection (11), the Board shall, after a hearing,
 - (a) make an order declaring the order under subsection (3) to be void, if the tenant has paid the amounts set out in subsection (11); or
 - (b) make an order lifting the stay of the order under subsection (3), if the tenant has not paid the amounts set out in subsection (11).
7. Accordingly, based on the evidence before me, I find that the Tenant has paid the amounts required by section 74(11) and order LTB-L-045271-25 is void.
8. Section 74(15) of the Act provides:
- (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).
9. The Landlord submitted that the Tenant failed to pay a garnishment fee. The Landlord's update sheet that was submitted together with their rent ledger shows two charges dated September 9, 2026, and November 20, 2026. The Landlord did not submit receipts for these amounts and did not provide explanation for why the amounts are for dates in the future.

10. The reference to enforceability of the order set out in section 74 pertains to the termination date in the order and subsequent provisions in section 74 address motions filed before and after the order is enforceable.
11. Enforcement and execution of the order referred to in section 74 is the enforcement of the eviction through the sheriff. Section 74(15) of the Act is intended to provide a mechanism for the Landlord to recover fees paid to the sheriff if a tenant pays the amount required to void the order after a landlord has commenced the eviction process. The fees claimed by the Landlord are for reimbursement of garnishment costs and do not relate to the eviction process.
12. Even if I am wrong in my interpretation that the provisions of section 74(15) relate to eviction enforcement costs and not garnishment costs, the Landlord has not submitted sufficient evidence to prove that the Landlord has paid a non-refundable amount pursuant to the *Administration of Justice Act* for the purpose of enforcing the order in accordance with section 74(15). Therefore, the Tenant's motion is granted. Order LTB-L-045271-25 is void.

It is ordered that:

1. Order LTB-L-045271-25 is void and cannot be enforced by the Landlord.

May 19, 2026
Date Issued

Kyle McGraw
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.