



Order under Section 21.2 of the Statutory Powers Procedure Act and the Residential Tenancies Act, 2006

Citation: Moore v Brown, 2026 ONLTB 51106

Date: 2026-06-29

File Number: LTB-L-006109-26-VO-RV

In the matter of: Unit 2, 345 Syndicate Ave North
Thunder Bay ON P7C3W4

Between:	Jeremy Moore	Landlord
	And	
	Kierce Brown	Tenant

Review Order

Jeremy Moore (the 'Landlord') applied for an order to terminate the tenancy and evict Kierce Brown (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was resolved by order LTB-L-006109-26 issued on March 17, 2026 (the "Hearing Order"). The Hearing Order was a voidable termination order that terminated the tenancy and evicted the Tenant.

On May 1, 2026 the Tenant filed a motion to void the Hearing Order because before the eviction order became enforceable, the Tenant paid the Landlord the amount required to void the order under subsection 74(4) of the *Residential Tenancies Act, 2006* (the 'Act').

On May 4, 2026, the Tenant's motion was referred to a hearing which was held on June 16, 2026 by videoconference.

The motion to void was resolved by order LTB-L-006109-26-VO issued on June 19, 2026 (the "Voiding Order").

On June 26, 2026, the Landlord requested a review of the Voiding Order.

A preliminary review of the review request was completed without a hearing.

Determinations:

1. The Landlord submits that there is a serious error in the Voiding Order as the Member exceeded their jurisdiction by effectively amending a final order of the Board without any request for an amendment or review request being filed, or that the findings or application of the law in the order were incorrect or unreasonable.

2. The Voiding Order finds that the Hearing Order is voided under section 74(6) of the Act pursuant to payments made by the Tenant on March 18, 2026, as the Tenant paid the full amount owing prior to the Hearing Order becoming enforceable with the Sheriff in accordance with section 74(4) of the Act. The Landlord does not dispute that payments were made sufficient to bring the arrears and costs of filing this application to a zero balance on March 18, 2026. The Landlord does not dispute that the order was not enforceable with the Sheriff until May 1, 2026. However, the Landlord submits that the Voiding Order contains a serious error for the reasons below.

3. The Hearing Order specifies at paragraph 29 of the determinations:

“29. Therefore, having considered all the circumstances in accordance with s. 83(2) of the Residential Tenancies Act, 2006, I am delaying the eviction date to April 30, 2026.”

4. The Hearing Order further orders at paragraph 4 that if the Tenant does not pay the amount required to void the order they must move on April 30, 2026, and makes the order enforceable with the Sheriff on May 1, 2026 at paragraphs 7 and 8. However, the order also specifies at paragraph 2:

“2. The Tenant may void this order and continue the tenancy by paying to the Landlord or to the LTB in trust:

*• \$3,302.00 if the payment is made on or before **March 17, 2026**. See Schedule 1 for the calculation of the amount owing.”* [emphasis added]

5. March 17, 2026 is the issuance date of the Hearing Order rather than the day prior to the order becoming enforceable as would be typically expected to be present in this provision.

6. The Member finds at paragraph 10 of the Voiding Error that this date being included in paragraph 2 of the Hearing Order is clearly an error given the remainder of the provisions in the Hearing Order cited above. The Member also finds at paragraph 11 of the Voiding Order that pursuant to section 74(3) of the Act the Tenant had the opportunity to void the Hearing Order by paying certain amounts on certain dates which are not specified in the Hearing Order.

7. The Landlord's submission is that these findings constitute an amendment of the Hearing Order, and that this was in excess of the jurisdiction of the Member issuing the Voiding Order on the motion before them, or that this constitutes a serious error of law or fact, or an unreasonably interpretation of the Act.

8. Section 74(3)(b) of the Act states that:

“(3) An order of the Board terminating a tenancy and evicting the tenant in an application under section 69 based on a notice of termination under section 59 shall,

...

(b) inform the tenant and the landlord that the order will become void if, before the order becomes enforceable, the tenant pays to the landlord or to the Board the amount required under subsection (4) and specify that amount;”

9. It is clear based on section 74(3) of the Act that the date required to be specified in paragraph 2 of the Hearing Order was April 30, 2026 and not March 17, 2026, and that this is not a matter of discretion. This is clear given the Hearing Order specifies a specific intent to delay eviction to that date in its determinations and the remainder of the provisions of the Hearing Order line up with that intent. Members of the Board are bound by the provisions of the Act, and so it consequentially is a clear error on the face of the Hearing Order that the date specified as the date payment must be made is listed as the issuance date of the Hearing Order and not the day prior to the Hearing Order becoming enforceable with the Sheriff.
10. An error such as this is typically viewed as a clerical error in nature. Ideally, either the parties would have raised this with the Board through a request to amend the Hearing Order, or this would have been recognized and brought to the attention of the member who issued the Hearing Order when this motion to void was referred to a hearing, so that this error could have been addressed prior to the hearing of the motion to void. It appears that none of these things occurred in this instance. This left the Member hearing the motion to void to make determinations based on the motion to void given the Hearing Order as it was issued.
11. The Member does so by applying section 74(4) of the Act to the facts of this circumstance. The Member correctly identifies that the test referred to in section 74(4) of the Act does not make reference to dates specified for payment in an order, but instead makes reference to when an order for the payment of rent arrears becomes enforceable. Making the determination the Landlord is requesting that the Hearing Order could only be voided by making payment by March 17, 2026, as that is what it states in the order, would therefore be contrary to section 74(4) of the Act and an error in law.
12. The Voiding Order does not amend the Hearing Order. The Voiding Order does not grant a review or otherwise alter the Hearing Order. Instead, the Voiding Order simply applies the Act to the motion that was put before the Member, and identifies that on the facts at bar, the Tenant has voided the order under section 74(4) of the Act and therefore the motion to void is granted pursuant to section 74(6) of the Act. None of these sections of the Act provide for discretion of the Member addressing the motion to make other findings, despite any provisions of an order. I do not find the Member exceeded their jurisdiction, made an error in law, or unreasonably interpreted the Act by applying 74(4) and 74(6) of the Act in this manner.
13. I also do not find that the Voiding Order contains serious errors of fact. The amounts specified in the Voiding Order as to different dates on which the Tenant could void the Hearing Order by paying different amounts are merely a calculation based upon an application of section 74(4) of the Act to the facts at bar. That these dates and amounts are not listed in the Hearing Order does not change the mandatory application of the Act to a motion to void filed by the Tenant.

14. I find in addressing the motion that was before them in a straightforward manner by application of the provisions of the Act, the Member applied the law correctly and in accordance with their obligations under section 183 of the Act to adopt the most expeditious method of determining the questions arising in a proceeding that affords all persons directly affected with an adequate opportunity to know the issues and be heard on the matter.
15. The Hearing Order could in theory still be amended or reviewed to correct this error (though the deadline for parties to apply for either has passed). Given the clear error in the order, in other circumstances I would either bring this to the attention of the Member who issued the Hearing Order to see if they wished to amend it or refer the Hearing Order for a Board initiated review. However, given the findings in the Voiding Order that the Hearing Order has been voided, I find that this would not a good use of the Board's resources or in accordance with the Board's obligations under section 183 of the Act.
16. On the basis of the submissions made in the request, I am not satisfied that there is a serious error in the order or that a serious error occurred in the proceedings.

It is ordered that:

1. The request to review order LTB-L-006109-26 issued on June 19, 2026 is denied. The order is confirmed and remains unchanged.

June 29, 2026
Date Issued

Benjamin Seigel
Member, 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.