



Social Justice Tribunals Ontario

Providing fair and accessible dispute resolution

Landlord and Tenant Board

Form N4

Notice to End a Tenancy Early for Non-payment of Rent

Instructions

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November 30, 2015

SECTION**A****When to use this notice**

You can use this notice if the tenant has not paid the rent on the date it is due.

Example:

If the rental agreement requires the tenant to pay rent on the first day of each month, and the tenant does not give you the full rent payment on March 1st, the earliest day that you can give this notice is March 2nd.

In order for you to give a tenant this notice, the tenant must still be living in the rental unit. If the tenant has already moved out, you can apply to court for the money the tenant owes you.

Giving this notice is the first step in evicting a tenant for non-payment of rent. See [Section D](#) below for information about what happens after you give this notice to the tenant.

If you do not want to evict your tenant, but you want to get an order from the Landlord and Tenant Board (LTB) so that you can collect the rent the tenant owes you, you can complete the [Application to Collect Rent the Tenant Owes](#) (Form L9) and file it with the LTB. However, you cannot file the L9 application if the tenant has moved out of the rental unit. You should also be aware that if the LTB issues an order on an L9 application and the tenant still does not pay, you cannot use that order to evict the tenant.

SECTION**B****How to complete this notice**

Read these instructions before completing the notice. You are responsible for ensuring that your notice is correct and complete. Follow the instructions carefully when you complete the notice. If you do not complete the form properly, your notice may not be valid and you may have to start over.

Page one of the Notice form:

Under **To**, fill in the name of the tenant to whom you want to give the notice. If there is more than one tenant living in the rental unit, fill in the names of all of the tenants. Where there is a subtenant or assignee, you should name these people in the notice. However, you do not need to name other occupants, such as children or guests of the tenant.

Under **From**, fill in your name. If there is more than one landlord, fill in the names of all of the landlords.

Under **Address of the Rental Unit**, fill in the complete address of the rental unit, including the unit number (or apartment or suite number) and the postal code.

In the box **The following information is from your landlord** in the middle of page one, fill in the following information:

- **The amount you believe the tenant owes you in rent**
Do **not** fill in this amount until you have completed the total rent owing table on page two of the notice form. (See the instructions below for completing the table on page two.) The amount you calculate under **Total Rent Owing** in the table on page two is the amount you should put in the box on page one. It is important that the amounts you fill in on page one and page two are the same.
- **The termination date**
The earliest date you can put in this field depends on the type of tenancy you have with your tenant:
 - If your rental agreement with the tenant requires the tenant to pay rent on a **monthly, bi-weekly** or **yearly** basis, the termination date must be at least **14 days** after you give the notice to the tenant.
 - If your rental agreement with the tenant requires the tenant to pay rent on a **daily** or **weekly** basis, the termination date must be at least **7 days** after you give the notice to the tenant.

When you are counting the days, do not include the date you are giving the notice to the tenant. If you are **faxing** the notice, the notice is deemed to be given on the date imprinted on the fax. If you are sending the notice **by courier**, add one business day for delivery. If you are sending the notice **by mail**, add five days for delivery.

Example:

When Sally Harrison (the landlord) and Jerome Kielty (the tenant) entered into their tenancy agreement, they agreed that rent would be paid on the first day of each month. Jerome did not pay the rent on March 1st, as required, so Sally decides to give him an N4 notice. Sally is preparing the notice on March 3rd.

If she decides to hand the notice to Jerome in person on March 3rd, she can fill in March 17th as the termination date (14 days after March 3rd). But, if she intends to put the notice in the mail on March 3rd, she has to add five calendar days, bringing the termination date to March 22nd (14 days + 5 days for mailing).

Page two of the Notice form:

Complete the table on page two to show:

- the rental periods during which the tenant did not pay the full rent,
- the rent charged during these periods,
- the amount of rent the tenant paid (if any) during each period, and
- the total amount of rent the tenant owes you.

“Rent” includes the basic rent for the rental unit, plus any amount the tenant pays you separately for services (such as parking). If the tenant is responsible for paying

all or a portion of a utility bill (such as hydro) directly to the utility company or indirectly through the landlord, this is not considered rent. However, if the tenant is required to pay a flat rate to the landlord each month for a utility, this would meet the definition of rent. You should **not** use this form to tell the tenant they owe you amounts that are not part of rent (such as the last month's rent deposit or an NSF cheque charge).

If the tenant owes you rent for more than three rental periods, you can combine two or more rental periods in the first or second row of the table. However, in the last row of the table that you complete, you must show the rent charged, rent paid and rent owing for the last rent period for which the tenant owes rent.

Example:

The tenancy agreement between Bruce Campanolo, the landlord, and Sophia Maxwell, the tenant, requires Sophia to pay \$1000 on the first of each month.

On August 1st, 2015 Sophia paid only \$900 and on September 1st, she only paid \$700. On October 1st Sophia did not pay her rent.

On October 14th, Bruce decided to give Sophia an N4 *Notice to End your Tenancy for Non-payment of Rent*. The notice set out that she owed \$1400 and that she had until October 28th to pay the amount owing or move out.

This is how he filled out the rent owing table:

Rent Period		Rent Charged \$	Rent Paid \$	Rent Owing \$
From: (dd/mm/yyyy)	To: (dd/mm/yyyy)			
01/08/2015	31/08/2015	1,000.00	900.00	100.00
01/09/2015	30/09/2015	1,000.00	700.00	300.00
01/10/2015	31/10/2015	1,000.00	0.00	1,000.00
Total Rent Owing \$				1,400.00

Signature:

If you are the landlord, shade the circle marked "Landlord". Then, sign the application form and fill in the date.

If you are the landlord's representative, shade the circle marked "Representative". Then, sign the application form and fill in the date.

Representative's Information (if applicable):

If you are the landlord's representative, fill in your name and phone number. Then, fill in your name, company name (if applicable), and mailing address. Include your phone number and fax number, if you have one.

SECTION**C****How to give this notice to your tenant**

There are many ways that you can give this notice to your tenant. You can:

- hand it directly to the tenant or to an adult in the rental unit,
- leave it in the tenant's mailbox or where mail is ordinarily delivered,
- place it under the door of the rental unit or through a mail slot in the door,
- send it by fax to a fax machine where the tenant carries on business or to a fax machine in their home,
- send it by courier, or
- send it by mail.

You cannot give the tenant this notice by posting it on the door of the tenant's rental unit.

SECTION**D****What happens after you give this notice**

It is important that you keep a copy of the notice you give the tenant.

If the tenant pays the rent they owe by the termination date in the notice, the notice is void and you cannot apply to the LTB to evict the tenant.

If the tenant does not pay the rent they owe you or does not move out by the date you put in the notice, you can apply to the LTB for an order to evict the tenant and to collect the rent the tenant owes. The earliest date you can file your application with the LTB is the day **after** the termination date you put in this notice.

To make this application, you need an [Application to Evict a Tenant for Non-payment of Rent and to Collect Rent the Tenant Owes](#) (Form L1). You will also need to file a copy of the [Notice to End your Tenancy for Non-payment of Rent](#) (Form N4) you gave the tenant, and a [Certificate of Service](#) to tell the LTB when and how you gave the notice to the tenant.

Form L1 and the Certificate of Service forms are available at your local LTB office, or from the LTB's website at sjto.ca/ltb.

SECTION**E****What to do if you have any questions**

You can visit the LTB website at: sjto.ca/ltb

You can call the LTB at 416-645-8080 from within the Toronto calling area, or toll-free at 1-888-332-3234 from outside Toronto, and speak to one of our Customer Service Officers.

Customer Service Officers are available Monday to Friday, except holidays, from 8:30 a.m. to 5:00 p.m. They can provide you with **information** about the *Residential Tenancies Act* and the LTB's processes; they cannot provide you with legal advice. You can also access our automated information menu at the same numbers listed above 24 hours a day, 7 days a week.



Form N4 - Checklist

Notice to End a Tenancy Early for Non-payment of Rent

Before you serve the attached notice to your tenant(s), make sure you can answer **YES** to each of the following questions. If not, your notice may be invalid. If you file an application to the Landlord and Tenant Board based on an invalid notice, your application may be dismissed and you will have to start over.

Have you waited until the day after the rent was due to give this notice to the tenant?

Your tenant has until midnight on the day that rent is due to pay you the rent. Make sure you wait until the day after the rent was due before you give the tenant this notice.

Did you fill in the correct termination date?

If your tenant pays rent by the month or year, you must give **at least 14 days** notice. If your tenant pays rent by the **day** or **week**, you must give **at least 7 days** notice.

When counting the days, do not include the date you are giving the notice to the tenant. For example, if you give the notice to the tenant by hand on March 3rd, the first day of the 14-day notice period is March 4th; in this example, the earliest termination date would be March 17th. **If you are giving the notice to the tenant by mail or courier, you have to add extra days in calculating the termination date.** Read the Instructions to this form to see how many days you have to add.

Did you name each tenant who is in possession of the rental unit?

If there is more than one tenant in possession of the rental unit, fill in the names of all the tenants on the notice. Make sure you spell each tenant's name correctly. You must give **each tenant** a copy of this notice.

Did you fill in the complete address of the rental unit?

Be sure that you have provided the full address - be sure to also identify the correct rental unit (for example Unit 202 or Basement) and provide the postal code.

Did you check your math?

Make sure you have correctly calculated the amount you believe the tenant owes. Check the calculations in the table on page 2 to be sure the Total Rent Owed is correct. Then check that this amount matches the amount you put in the box on page 1.

Did you include only rent amounts?

This form is only for non-payment of **rent**. Rent includes the basic rent for the rental unit, plus any amount the tenant pays you separately for services (such as parking). If the tenant is paying all or a portion of a utility bill directly to the utility company or indirectly through the landlord, this is not considered rent. See the Instructions for more information.

You should **not** use this form to ask the tenant to pay amounts other than rent (such as the last month's rent deposit or an NSF cheque charge).

Did you sign and date the notice?

If you don't, the notice may be invalid.

You should remove this checklist before you give the tenant the notice.

To: (Tenant's name) include all tenant names	From: (Landlord's name)
Address of the Rental Unit:	

This is a legal notice that could lead to you being evicted from your home.

The following information is from your landlord
<p>I am giving you this notice because I believe you owe me \$ _____ . _____ in rent.</p> <p>See the table on the next page for an explanation of how I calculated this amount.</p> <p>I can apply to the Board to have you evicted if you do not:</p> <ul style="list-style-type: none"> • pay this amount by <input style="width: 150px; height: 20px; border: 1px solid black;" type="text"/> . This is called the termination date. <small>dd/mm/yyyy</small> Or • move out by the termination date. <p>If another rent payment becomes due on or before the date you make the above payment to your landlord, you must also pay this extra amount.</p>

WHAT YOU NEED TO KNOW

The following information is provided by the Landlord and Tenant Board

The termination date

The date that the landlord gives you in this notice to pay or move out must be at least:

- 14 days after the landlord gives you the notice, if you rent by the month or year, or
- 7 days after the landlord gives you the notice, if you rent by the day or week.

What if you agree with the notice?

If you agree that you owe the amount that the landlord is claiming, you should pay this amount by the termination date in this notice. If you do so, the landlord cannot apply to the Board to evict you based on this notice.

If you do not pay the amount owing, you do not have to move out. However, the landlord can apply to the Board to evict you. If the landlord applies to the Board to evict you and the Board orders the eviction, you will likely have to pay the landlord's filing fee, in addition to what you owe.

What if you disagree with the notice?

You do not have to move out if you disagree with this notice. You could talk to your landlord. You may also want to get legal advice. If you cannot work things out, the landlord may apply to the Board for an order to evict you. The Board will schedule a hearing where you can explain why you disagree.

What if you move out?

If you move out by the termination date in this notice, your tenancy will end on the termination date. However, you may still owe money to your landlord. Your landlord will not be able to apply to the Board but they may still take you to Court for this money.

How will you know if the landlord applies to the Board?

The earliest date that the landlord can apply to the Board is the day after the termination date in this notice. If the landlord does apply, the Board will schedule a hearing and send you a copy of the application and the *Notice of Hearing*.

What you can do if the landlord applies to the Board

- Talk to your landlord about working out a payment plan.
- Go to the hearing where you can respond to the claims your landlord makes in the application; in most cases, before the hearing starts you can also talk to a Board mediator about mediating a payment plan.
- Get legal advice immediately; you may be eligible for legal aid services.

How to get more information

For more information about this notice or about your rights, you can contact the Landlord and Tenant Board. You can reach the Board by phone at **416-645-8080** or **1-888-332-3234**. You can also visit the Board's website at sjto.ca/LTB.

The following information is from your landlord

This table is completed by the landlord to show how they calculated the total amount of rent claimed on page 1:

Rent Period		Rent Charged \$	Rent Paid \$	Rent Owing \$
From: (dd/mm/yyyy)	To: (dd/mm/yyyy)			
/ /	/ /	.	.	.
/ /	/ /	.	.	.
/ /	/ /	.	.	.
Total Rent Owing \$.

Signature

Landlord Representative

First Name

Last Name

Phone Number

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Signature	Date (dd/mm/yyyy)
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Representative Information (if applicable)

Name	LSUC #	Company Name (if applicable)	
Mailing Address			Phone Number
Municipality (City, Town, etc.)	Province	Postal Code	Fax Number