

Tenant Application – Agreement to Increase the Rent Above the Guideline Failed

Form T4

Instructions

Use this form to apply to the Landlord and Tenant Board to have some or all of the part of the rent increase that was above the guideline returned to you if:

- you and the landlord signed an Agreement to Increase the Rent Above the Guideline (Form N10), and
- the landlord failed to comply with all or part of what the agreement required the landlord to do.

You can obtain this form at the Landlord and Tenant Board office in your area or from the Board's website at www.LTB.gov.on.ca.

January 31, 2007

A. How to apply...

You must apply within two years of the date of the rent increase set out in the agreement.

Step 1: Complete the form

Read the instructions carefully before completing the form.

Step 2: Complete the T4 Payment and Scheduling Information Form

You must complete the Payment and Scheduling Information Form which is attached behind the last page of the application form. Instructions for completing it are found at the end of these instructions.

Step 3: File the application and the Payment and Scheduling Information Form with the Landlord and Tenant Board

Filing your application and paying the fee

You can:

1. Bring the application to the nearest Board Office.

If you file your application in person, you can pay by cash, certified cheque, money order, Visa, American Express or MasterCard. You can also pay by debit card at most locations.

2. Fax your application to the Board Regional Office in your area.

If you fax your application, you must pay by Visa, American Express or MasterCard.

3. Mail your application to the Board Regional Office in your area.

If you mail your application, you must pay by certified cheque, money order, Visa, American Express or MasterCard.

Certified cheques and money orders must be made payable to the Minister of Finance.

Important:

Make sure you have provided the necessary information about how you will pay the fee on the Payment and Scheduling Information Form. Your application will not be accepted if you do not pay the application fee at the time you file your application.

If you owe money to the Board as a result of failing to pay a fee, or any fine or costs set out in an order, your application may be refused or discontinued.

It is the applicant's responsibility to ensure that their application is correct and complete. Staff of the Landlord and Tenant Board will check applications for completeness; however, the Board Member who will make a decision on the application will ultimately determine whether or not it meets the requirements of the legislation. Where it does not, the application may be dismissed.

Scheduling the Hearing

Once you have filed the application and paid the application fee, the Board will schedule a hearing and give you a Notice of Hearing. If you apply in person, the Board will normally schedule the hearing while you wait. Generally, the Board will schedule an oral hearing. An oral hearing is a meeting between the landlord and the tenant before an adjudicator. However, in some circumstances the Board may decide it is appropriate to have a written, telephone or video conference hearing instead.

When the Board gives you a copy of the Notice of Hearing, the Board will also give you:

- a copy of the application to keep for yourself,
- a blank Certificate of Service form (see Step 5),
- a copy of the application and the Notice of Hearing for the landlord, and
- instructions for giving the application and the Notice of Hearing to the landlord.

This is called the application package.

Step 4: Give a copy of the application and the Notice of Hearing to your landlord

You must give the landlord a copy of the application and a copy of the Notice of Hearing at least ten days before the hearing. There are many ways you can do this. For example, you can:

- hand the copies directly to the landlord,
- hand the copies to an employee of the landlord, like the superintendent or property manager,
- leave the copies in the landlord's mailbox or where mail is ordinarily delivered,

- send the copies by fax to a fax machine where the landlord carries on business or to a fax machine in their residence,
- send the copies by courier (if you courier them, you must allow one business day for delivery),
- send the copies by mail (if you mail them, you must allow five days for delivery),
- if the landlord has a lawyer or an agent, you can give the landlord's lawyer or agent the copies by mail, by hand delivery, courier or fax.

Keep a copy of the application and the Notice of Hearing for yourself.

Step 5: File a Certificate of Service with the Board

You must file a Certificate of Service with the Board showing when and how you gave a copy of the application and the Notice of Hearing to the landlord. You must file the certificate no later than five days after you give the landlord a copy of the application and the Notice of Hearing. The Certificate of Service form is included in the application package the Board will give you.

Step 6: The Board will process the application, hold a hearing and issue a written decision called an order

You should come to the hearing prepared to support your application. If there are any documents or other information that you will be relying on, you should bring them to the hearing. For example, you should bring a copy of the Agreement to Increase the Rent Above the Guideline (Form N10). You should make extra copies for the Board and the landlord. You should also bring any witnesses you may need to prove your claim. If you need to summon a witness, you can obtain a "Request for the Board to Issue a Summons" form from the Board.

B. How to complete this form...

The information you fill in on the form will be read electronically, therefore it is very important that you follow these instructions carefully. **Print in capital letters and do not touch the edges of the boxes.** If there are more boxes in a line than you need, leave the extra boxes blank. Do not fill in boxes that do not apply to you (for example, if you do not have a fax number, do not fill in boxes in the space marked "Fax Number"). If the instructions tell you to shade a box (for example, boxes marked "Yes" or "No"), shade the box completely. See the following example:

Read the instructions carefully before completing the Form. Print or Type in Uppercase.

Part 1: General Information

Tenants' Names and Addresses (if there are more than 2 tenants, complete a Schedule of Parties form and file it with this application)

Tenant 1: First Name Male Female

BOZENA

Tenant 1: Last Name

YASKOVA

Tenant 2: First Name Male Female

CHRISTOPHER

Tenant 2: Last Name

RANDALL

Mailing Address (if different from the address of the rental unit covered by this application)

635 CONTINENTAL DRIVE

Unit/Apt./Suite

Municipality (city, town, etc.)

Province

Postal Code

1063 LONDON ON N6A 5M7

Day Phone Number

Evening Phone Number

Fax Number

(519) 555 3362 (519) 555 1784 ()

E-mail Address

Rental Unit Covered by this Application

Street Number

Street Name

433 LAKEVIEW

Street Type (e.g. Street, Avenue, Road)

Direction (e.g. East)

Unit/Apt./Suite

AVENUE WEST UPPER

Municipality (city, town, etc.)

Province

Postal Code

ST. THOMAS ON N5P 2R3

Part 1: General Information

Tenant's Name and Address

Fill in your name. If two tenants live in the rental unit, fill in both your names. Shade in the correct box to show whether you are male or female.

If more than two tenants live in the rental unit, first complete Part 1 of the application form and then provide the names, addresses and telephone numbers of any additional tenants on the "Schedule of Parties" form which is available from the Board.

Fill in your mailing address if it is different from the address of the rental unit covered by this application. If your mailing address is the same as the address of the rental unit covered by this application, leave the section for the tenant's address blank. Provide your daytime and evening telephone numbers, fax number and e-mail address.

Fill in the address and unit number of the rental unit covered by this application.

Rental Unit covered by this Application

If the name of the street is, for example, "Chestnut Road", you would fill in "Chestnut" under "Street Name" and "Road" under "Street Type".

If the street name includes a direction (such as "Chestnut Road **North**"), you would fill in "North" under "Direction". Where applicable, use the following abbreviated directions "NW" for Northwest, "NE" for Northeast, "SW" for Southwest or "SE" for Southeast.

Landlord's Name and Address

Fill in the landlord's name and mailing address, and shade the correct box to indicate whether the landlord is male or female. If the landlord is a company, shade the box marked company and fill in the name of the company under "First Name". Provide the landlord's daytime and evening telephone numbers, fax number and e-mail address, if you know them.

If you are making a claim against more than one landlord (for example, if the building was sold within the last year), first complete Part 1 of the application, and then provide the names, addresses and telephone numbers of any additional landlords on the "Schedule of Parties" form which is available from the Board.

Related Applications

If there are any other applications to the Board that relate to the same rental unit, fill in the file numbers of those applications.

Part 2: Explanation of Your Application

If you signed an Agreement to Increase the Rent above the Guideline (Form N10) and the landlord failed to comply with all or part of the agreement, you may apply to have some or all of the rent increase above the guideline returned to you. You must apply within two years of the date of the rent increase set out in the agreement.

Fill in the date the rent was increased and the amount of the increase. Also explain which terms of the agreement the landlord did not comply with. Attach additional sheets if necessary.

Rent History

You must provide a rent history for the past two years, or, if you have lived in the rental unit less than two years, you must provide a rent history from the date you moved into the rental unit to the present.

On the form, fill in the date that you moved into the rental unit. In the first column of the table, indicate the rent you paid two years before you filed the application (or the rent you paid when you moved in, if you moved in less than two years ago). Include any charges you paid separately to the landlord. Indicate how often you paid this rent. In the second and third columns fill in the start date and end date of the period over which you paid this rent. Repeat this process for each period you paid a different rent over the past two years.

Example:

Allen Wong moved into the rental unit on May 1, 2006. At that time, he paid a rent of \$750 per month. Allen and his landlord signed an Agreement to Increase the Rent Above the Guideline which set out that his rent would increase to \$769.50 on February 1, 2007 and in return the landlord would install new kitchen cupboards by March 1, 2007. The landlord never installed the cupboards, and on April 15, 2007 Allen applied to the Board.

Here is how he would fill out the Rent History table:

Rent History When did you move into the rental unit covered by this application? / /
dd mm yyyy

In the table below, indicate the rent you have been paying in the 12 months before you file the application (or since you moved in, if you moved in less than 12 months ago). Also show how frequently you paid rent and the periods over which you paid it. See the instructions for further information about how to fill out the table.

Rent Amount (per month/per week)	Rent Period From: (dd/mm/yyyy) To: (dd/mm/yyyy)	
\$ <input type="text" value=""/> , <input type="text" value="750"/> . <input type="text" value="00"/>	<input type="text" value="01"/> / <input type="text" value="05"/> / <input type="text" value="2005"/>	<input type="text" value="30"/> / <input type="text" value="04"/> / <input type="text" value="2006"/>
\$ <input type="text" value=""/> , <input type="text" value="765"/> . <input type="text" value="75"/>	<input type="text" value="01"/> / <input type="text" value="05"/> / <input type="text" value="2006"/>	<input type="text" value="31"/> / <input type="text" value="01"/> / <input type="text" value="2007"/>
\$ <input type="text" value=""/> , <input type="text" value=""/> . <input type="text" value=""/>	<input type="text" value=""/> / <input type="text" value=""/> / <input type="text" value=""/>	<input type="text" value=""/> / <input type="text" value=""/> / <input type="text" value=""/>
\$ <input type="text" value=""/> , <input type="text" value=""/> . <input type="text" value=""/>	<input type="text" value=""/> / <input type="text" value=""/> / <input type="text" value=""/>	<input type="text" value=""/> / <input type="text" value=""/> / <input type="text" value=""/>

Signature

Sign your name and include the date you are signing this form. If you are the tenant, shade the box marked "Tenant". If you are an agent, shade the box marked "Agent".

If you are an agent, print your name below your signature. Also include your company name (if applicable), mailing address, telephone and fax number and e-mail address.

If an agent signs the form, the agent must have written authorization from the tenant. The agent should bring the authorization to the hearing.

C. How to fill out the Payment and Scheduling Information Form

You must fill out the Payment and Scheduling Information Form.

Part 1: Application Fee

How are you paying the application fee?

On the Payment and Scheduling Information Form, shade the correct box to show whether you are paying by cash, debit card, certified cheque, money order, Visa, American Express or MasterCard (you cannot pay by cash or debit card if you are filing your application by fax or mail). If you are paying by Visa, American Express or MasterCard, include the cardholder's name and signature, the card number and expiry date. The information you fill in on this part of the form is confidential. It will be used to process your application, but will not be placed on the application file.

Important:

Your application will not be accepted if you do not pay the application fee at the time you file your application.

If you owe money to the Board as a result of failing to pay a fee, or any fine or costs set out in an order, your application may be refused or discontinued.

Part 2: Information Required to Schedule the Hearing

How do you want the Board to give you the application package?

If you file your application in person at a Board office, in most cases the Board will be able to schedule a hearing and prepare the application package while you wait. However, if you mail or fax your application, you must tell the Board whether you would like to pick up the application package at a Board or ServiceOntario office, or have it mailed or faxed to you. Shade the correct box to show how you want to receive the application package.

If you want to pick up the application package at a Board or ServiceOntario office, also indicate what day and at what office you would like to pick it up. If you are mailing your application to the Board, the earliest day you can ask to pick up the package is six days after you mail it. If you are faxing your application, the earliest day you can ask to pick up the package is the day after you fax it. Call the Board before picking up the package to make sure it is ready.

When will you give the application package to the landlord?

Shade the correct box to indicate whether you will give the landlord the application package (the landlord's copy of the Notice of Hearing and the application) on the date you receive it from the Board or whether you will give the landlord the package on a different date. If you intend to give the application package to the landlord on a different date, fill in the date in the space provided. The Board must know this date in order to schedule the hearing.

How will you give the application package to the landlord?

The Board also needs to know how you plan to give the application package to the landlord(s). Shade the correct box to indicate whether you will be mailing the package, sending it by courier or giving it some other way.

Part 3: Interpretation Services Required

Indicate whether you require interpretation services

If you require French language services, shade the box for French language services. The Board will only provide French language services if you live in an area of the Province designated for French language services or if the rental unit or complex that is covered by the application is in an area designated for French language services. If you are not sure if you live in a designated area, you can contact the Board for more information.

If you require sign language services, shade the box for Sign language services. The Board will arrange for an interpreter to attend the hearing.

If you need more information...

The Board has Rules of Practice that set out procedural rules which may affect the outcome of your application. In addition, the Board has Interpretation Guidelines which explain how the Board might decide specific issues that could arise in your application. You can purchase a copy of the Rules and Guidelines from the Landlord and Tenant Board office in your area or view them online at the Board's website www.LTB.gov.on.ca.

If you need more information or have any questions, call the Landlord and Tenant Board at 416-645-8080 or toll-free at 1-888-332-3234. You can also check the status of your application by visiting the Board's website at www.LTB.gov.on.ca.