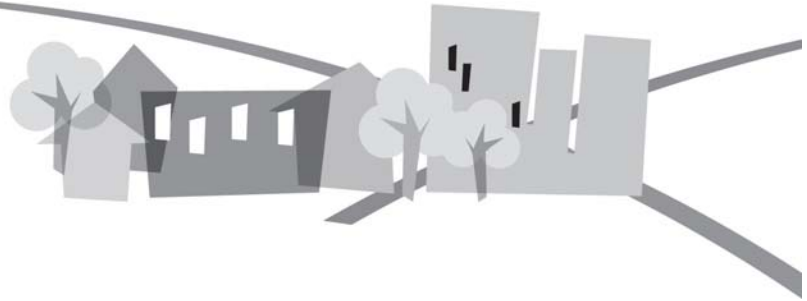




Landlord  
and  
Tenant Board



Form L1

# Application to Evict a Tenant for Non-Payment of Rent and to Collect Rent the Tenant Owes

Instructions

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April 6, 2009

**SECTION  
A****When to use this application**

If you have given your tenant an N4 notice of termination (for non-payment of rent) and the tenant has not paid the rent they owe or has not moved out, you can file this application with the Landlord and Tenant Board (the Board), if you want to:

- end the tenancy and evict the tenant, and
- collect the money the tenant owes you up to the date they move out of the rental unit

If the tenant made a payment by cheque that was returned to you due to non-sufficient funds (NSF) and the tenant has not paid you back for the charges related to that, you may include these amounts in your application.

You cannot file this application until the day **after** the termination date you put on the N4 notice.

In order for you to file this application, the tenant must still be living in the rental unit. If the tenant has already moved out, you cannot apply to the Board but you can apply to court for the money the tenant owes you.

**If you do not want to evict your tenant**, but you want to get an order from the Board 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 Board. In order for you to file the L9 application, however, the tenant must still be living in the rental unit. You should also be aware that if the Board 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 application**

You must be sure that your application meets the requirements of the *Residential Tenancies Act* (the Act). Read the following instructions and complete the application form carefully.

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, start from the left and 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.

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.

### On Page 1 of the Application form:

DO NOT FILL IN the amount you believe the tenant owes you until you have completed page 4 of the application. Once you calculate the total amount owing on page 4, you will copy that amount to page 1. This is the total amount that the tenant owes you on the date that you file your application with the Board.

The date you fill in on page 1 is the date you file the application with the Board.

### On Page 3 of the Application form:

#### Part 1: Rental unit covered by this application:

Fill in the complete address of the rental unit, including the unit number and the postal code.

#### Example:

If the address is: #208 at 1120 Mayfield Road North, London, this is how Part 1 of the application should be completed:

Street Number	Street Name		
1120	MAYFIELD		
Street Type (e.g. Street, Avenue, Road)	Direction (e.g. East)	Unit/Apt./Suite	
ROAD	NORTH	208	
Municipality (city, town, etc.)	Province	Postal Code	
LONDON	ON	N6J 2M1	

If the street name includes a direction that will not fit in the five spaces provided (such as Northeast) use the following abbreviations: NE for Northeast, NW for Northwest, SE for Southeast, SW for Southwest.

#### Related Applications:

If any other applications have been filed with the Landlord and Tenant Board that relate to the same rental unit, fill in the file numbers of those applications.

## Part 2: Tenant names and addresses:

**To:** Fill in the tenant's name. If two tenants live in the rental unit, fill in both their names. 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.

Where there is a subtenant or assignee, you should also name these people in the application; however, you do not need to name other occupants, such as children or guests of the tenant.

Fill in the tenant's mailing address **only** if it is different from the address of the rental unit. Provide the tenant's daytime and evening telephone numbers and a fax number and e-mail address, if you know them.

## Part 3: Reason for this application:

Shade the appropriate box or boxes to indicate what you are applying for.

Shade either the **Yes** or **No** box to answer the question, "Is the tenant still in possession of the rental unit on the date this application is filed with the Board?" A landlord may only file this application if the tenant is still in possession of the rental unit.

Shade the appropriate box to indicate whether the tenant pays rent by the **Week**, **Month** or **Other**. If you choose Other, write in the frequency of rent payments (for example, bi-weekly) in the space provided.

### Information about the rent deposit:

The Board will subtract any rent deposit and interest you owe the tenant from the amount of rent the tenant owes you. If you collected a rent deposit from the tenant, answer the questions about the deposit. If you did not collect a deposit, leave these boxes blank.

## On Page 4 of the Application form:

### Part 4: Details of the Landlord's claim:

#### Section 1. Rent Owing

Complete the Rent Owing table to show how you calculated the amount of **rent**<sup>1</sup> the tenant owes you. The example below will help you complete the table.

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<sup>1</sup> **Rent** includes the basic rent for the rental unit, plus any amount the tenant pays you separately for services (such as parking or cable). 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.

If the tenant owes more than they did when you served them the Form N4 Notice of Termination, include all the rent owing up to the date you file the application.

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. The Board needs this information in order to calculate the amount of daily compensation the tenant owes for each day they remain in the unit without paying after the termination date.

If you believe that your own ledger or account summary is more clear you can attach a sheet that shows the details but you must still provide a summary in the table.

**Example:**

The tenancy agreement between Bruce Campanolo, the landlord, and Sophia Maxwell, the tenant, requires Sophia to pay \$900 on the first of each month. On January 1<sup>st</sup>, 2007 she paid only \$850 and on February 1<sup>st</sup>, she did not pay any rent. On February 3<sup>rd</sup>, Bruce gave Sophia a Notice to End the Tenancy Early for Non-payment of Rent. The notice set out that she owed \$950 and that she had until February 17<sup>th</sup> to pay or move. Sophie did not pay or move by February 17<sup>th</sup>, so on February 18<sup>th</sup> Bruce filed this application with the Board. This is how he filled out the rent owing table:

I have calculated the amount of rent the tenant owes me as follows:

Rent Period		Rent Charged \$	Rent Paid \$	Rent Owing \$
From: (dd/mm/yyyy)	To: (dd/mm/yyyy)			
01 / 01 / 2007	31 / 01 / 2007	900.00	850.00	50.00
01 / 02 / 2007	28 / 02 / 2007	900.00	0.00	900.00
Total Rent Owing \$				950.00

**Section 2. NSF Cheque Charges**

If the tenant made a payment by cheque that was returned to you due to non-sufficient funds (NSF), and the tenant has not paid you back for the charges related to the NSF cheque, you may include these amounts in your application.

Complete the table to show how you calculated the amount the tenant owes you. For each NSF cheque the tenant gave you, complete one row of the table. Fill in the amount and date of the cheque, the date your financial institution charged you for the NSF cheque, the amount of the bank charge for the NSF cheque, and the amount of your related administration charges.

The “Bank charge for NSF cheque” is the actual amount your financial institution charged you. “Administration charges” is not defined in the Act or the regulations, but may include your personal or corporate costs related to the handling of NSF rent

cheques. For example, when a cheque “bounces”, you may have to do additional accounting, notify the tenant of the NSF cheque, make another request for payment and possibly receive another payment. The maximum administration charge for an NSF cheque allowed by the Act is \$20 per cheque.

**Example:**

Sophia Maxwell, the tenant, gave Bruce Campanolo, the landlord, a cheque for \$900.00, dated February 1st for February’s rent, but the cheque was returned NSF. As a result, the bank charged Bruce an NSF fee of \$5; the fee appeared on his bank statement on February 20th. Bruce also had costs related to the handling of the NSF cheque. Bruce served Sophia with a Notice to End the Tenancy Early for Non-payment of Rent. Sophia did not pay the rent by the termination date in the notice so Bruce applied to terminate the tenancy.

Bruce filled out the table as shown below to show how he calculated the amount owing for the NSF related charges:

I have calculated the amount of NSF cheque charges and related administration charges the tenant owes me as follows:

Cheque Amount \$	Date of Cheque dd/mm/yyyy	Date NSF Charge Incurred dd/mm/yyyy	Bank Charge for NSF Cheque \$	Landlord's Administration Charge \$	Total Charge \$
900.00	01 / 02 / 2007	20 / 02 / 2007	5.00	20.00	25.00
□□□□.□□	□□ / □□ / □□□□	□□ / □□ / □□□□	□□.□□	□□.□□	□□□□.□□
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<b>Total NSF Related Charges Owing \$</b>					□□, 25.00

**Part 5: Total amount owing:**

Transfer the Total Rent Owing amount from Section 1 of Part 4 to this part of the form.

Transfer the Total NSF Cheque Charges from Section 2 of Part 4 to this part of the form.

Calculate the Total Amount Owing. Then, transfer this amount to the box on Page 1. The date you fill in on page 1 is the date you file the application with the Board.

## **On Page 5 of the Application form:**

### **Part 6: Landlord's name and address:**

Fill in the landlord's name and address, and shade the appropriate box to show whether the landlord is male, female or a company. If the landlord is a company, fill in the name of the company under "First Name". Include both daytime and evening telephone numbers and a fax number and e-mail address, if you have them.

If there is more than one landlord, first complete Part 1 with information about one of the landlords, then provide the names, addresses and telephone numbers of the additional landlords on the "Schedule of Parties" form which is available from the Board.

If the person who signs the application form is an agent for the landlord or an officer of a corporation, provide that person's name, the company name (if applicable), mailing address, telephone, fax number and e-mail address.

## **On Page 6 of the Application form:**

### **Part 7: Signature:**

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

If you are an agent for the landlord, shade the box marked "Agent". Then, sign the application form and fill in the date.

## **L1 Payment and Scheduling Information Form**

Complete this form to provide the Board with the information required to process your application. The fee for this application is \$170.00. Your application will not be accepted if you do not pay the application fee at the time you file the 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 1: Application Fee**

Shade the appropriate box to show whether you are paying by cash, debit card, money order, certified cheque, Visa, MasterCard or American Express. You cannot pay by cash or debit card if you are filing your application by fax or mail. If you are paying by credit card, 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.

## **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 (see Section D below) 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 to you or faxed to you. Shade the appropriate 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. In either case, call the Board before picking up the package to make sure it is ready.

### **When will you give the application package to the tenant?**

Shade the appropriate box to indicate whether you will give the tenant the application package (the tenant's copy of the Notice of Hearing and the application) on the date you receive it from the Board or on a different date. If you intend to give the application package to the tenant 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 tenant?**

The Board also needs to know how you plan to give the application package to the tenant. Shade the appropriate 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**

Shade the appropriate box or boxes to indicate whether you require French language services or Sign 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, the Board will arrange for an interpreter to attend the hearing.

**SECTION  
C****How and where to file this application****To file this application, you need:**

- the completed application form (including the L1 Payment and Scheduling form)
- the filing fee (\$170.00)
- a copy of the Form N4 Notice to End the Tenancy Early for Non-payment of Rent you gave the tenant
- a Certificate of Service showing how and when you gave the tenant the Form N4

Your application will be refused if any of the items listed is missing.

**To file this application, you can:**

1. **Bring it** to the nearest Board office.

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

2. **Fax it** to the Regional Board office in your area.

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

3. **Mail it** to the Regional Board office in your area.

If you mail your application, you can pay the filing fee by certified cheque, money order, Visa, American Express or MasterCard.

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

**SECTION  
D****What the Board will do after you file this application**

Once you have filed the application and paid the application fee, the Board will schedule a 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.

The Board will give you an application package that consists of the following documents:

- a copy of the application and a Notice of Hearing to keep for yourself
- a blank Certificate of Service form (see Section E below for instructions on how to fill out this form)
- a copy of the application and the Notice of Hearing for the tenant
- instructions for giving the application and the Notice of Hearing to the tenant.

The Board will also give you:

- a blank Payment Agreement form that you and your tenant can use to settle your application if you come to an agreement before the hearing
- a brochure called, *Important Information about your Hearing*.

## SECTION E

### What you have to do after you file this application

**You must give the tenant** a copy of the application and a copy of the Notice of Hearing at least **ten days** before the hearing. There are many ways that you can give this notice to your tenant. Refer to the Instructions that are included in the application package the Board will give you when you file your application.

**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 tenant. You must file the certificate within **five days** after you served these documents. The Certificate of Service form is included in the package the Board will give you when you file your application.

**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. You should bring extra copies for the Board and the tenant. For example, you should bring evidence of the rent charged and the rent paid during the period(s) for which the tenant is in arrears of rent. 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 your local Board office or the Board's website at [www.LTB.gov.on.ca](http://www.LTB.gov.on.ca).

You should also come prepared for any issues the tenant might raise at the hearing. At a hearing for an application to end a tenancy early based on non-payment of rent, the tenant is allowed to raise any issue they could raise on any of the Board's tenant applications. For example, a tenant could raise such issues as maintenance or illegal rent. To avoid any delay in the hearing, you should consider whether or not it is likely that your tenant will do this, and be prepared to discuss the issues. For more information about this, you may want to read the Board's brochure called, *Issues a Tenant Can Raise at a Hearing about a Landlord's Application for Non-payment of Rent (Form L1 or L9)*.

SECTION  
**F**

**Who to contact if you have any questions**

If you need more information or have any questions, you can call the Landlord and Tenant Board at 416-645-8080 or toll-free at 1-888-332-3234. Or, you can visit the Board's website at [www.LTB.gov.on.ca](http://www.LTB.gov.on.ca).