

# Notice to Terminate a Tenancy Early

Form N5

## Instructions

Use this form to terminate a tenancy for any of the following reasons:

- the tenant, the tenant's guest or another occupant of the rental unit wilfully or negligently damaged the rental unit or the residential complex,
- the tenant, the tenant's guest or another occupant of the rental unit substantially interfered with the reasonable enjoyment of the residential complex by the landlord or other tenants, or interfered with another lawful right, privilege or interest of the landlord or other tenants,
- the number of people living in the rental unit is more than permitted by health, safety or property standards.

It is your responsibility to make sure that your notice complies with the requirements of the *Residential Tenancies Act*. 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](http://www.LTB.gov.on.ca).

January 31, 2007

## About this notice...

Use this form to terminate the tenancy if:

- the tenant, the tenant's guest or another occupant of the rental unit wilfully or negligently damaged the rental unit or the residential complex;

**Note:** If you are giving the tenant a notice of termination because of damage, and you believe you can prove to the Board that the tenant, their guest or another occupant of the rental unit **wilfully** caused the damage, it may be appropriate to give the tenant a Form N7 10-Day Notice to Terminate a Tenancy instead of a Form N5. The Form N7 has a shorter notice period, and there is no opportunity for the tenant to correct the problem and void the notice. See the instructions to Form N7 for more information about when it is appropriate to use that form.

If you are not sure whether you can prove to the Board that the damage was done wilfully, but you can show that the damage was done negligently, you should use this form to give the tenant a notice of termination.

- the tenant, the tenant's guest or another occupant of the rental unit substantially interfered with the reasonable enjoyment of the residential complex or interfered with another lawful right, privilege or interest of the landlord or other tenants-

**Note:** If you are giving the tenant a notice of termination because the tenant, their guest or another occupant of the rental unit interfered with **your** reasonable enjoyment of the residential complex or interfered with one of your lawful rights, privileges or interests, and

- you live in the same building as the tenant, and
- the building has three or fewer rental units,

you can give the tenant a Form N7 10-Day Notice to Terminate a Tenancy instead of a Form N5. The Form N7 has a shorter notice period, and there is no opportunity for the tenant to correct the problem and void the notice. See the instructions to Form N7 for more information.

- the number of people living in the rental unit is more than permitted by health, safety or property standards.

### **How to give this notice to the tenant...**

There are many ways that you can give this notice to the 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 residence,
- send it by courier (if you courier it, you must allow one business day for delivery),
- send it by mail (if you mail it, you must allow five days for delivery).

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

Keep a copy of this notice for your records.

## **How to complete this form...**

**To:** Fill in the tenant's name and complete address, including the unit number. If there is more than one tenant living in the rental unit, fill in the names of all of the tenants.

**From:** Fill in the landlord's name and address. If there is more than one landlord, fill in the names of all the landlords.

**Address of Rental Unit:** Fill in the address and unit number of the rental unit covered by this notice.

**Termination Date:** Fill in the termination date. The date you put on this notice will depend on whether this is the tenant's first or second notice within the last six months. Instructions to help you determine this date are found in Part C and Part D.

## Part A

### Reason for this Notice...

You can give this notice to the tenant for any of the following reasons. On the form, shade the box for the reason that applies to your situation.

1. The tenant, the tenant's guest or another occupant of the rental unit wilfully or negligently damaged the rental unit or the residential complex.
2. The tenant, the tenant's guest or another occupant of the rental unit substantially interfered with the reasonable enjoyment of the residential complex by the landlord or other tenants, or interfered with another lawful right, privilege or interest of the landlord or other tenants.
3. The number of people living in the rental unit is greater than the number permitted by health, safety or housing standards.

## Part B

### Details About the Reason for this Notice...

In the space provided on the form, describe what you believe the tenant, the tenant's guest or another occupant of the rental unit did that has caused you to give the notice for the reason you chose in Part A. You should be as specific as possible. For example, include whether it was the tenant, another occupant of the rental unit or a guest of the tenant who caused the problem, the dates and times the events occurred, what happened, who was affected, etc. If you need additional space, complete and attach an additional sheet of paper.

If you are giving this notice because the number of people living in the rental unit is more than permitted by health, safety or property standards, include the name of the law or by-law that sets out the maximum number. Also include the maximum number allowed by this law. You can contact the municipality to find out if there is a by-law, and if there is, to find out how many people are allowed to live in the rental unit.

## Part C

### **This is the tenant's first notice within the last six months**

Shade this box on the form if this is the tenant's first notice of termination for any of the reasons in Part A within the last six months. If it is, the tenant will have an opportunity to correct the problem and void the notice (see below).

The termination date on this notice cannot be earlier than the 20th day after this notice is given. When you are counting the days for the notice, do not count the day that you are giving this notice.

**Example:**

Bob Row, the landlord, and Martin Ng, the tenant, have a monthly tenancy agreement. On February 3, 2007, Bob handed this notice to Martin because Martin's guest damaged the rental unit. The earliest termination date Bob could put on the form would be February 23, 2007. Martin would have until February 10, 2007 to correct the problem as set out in the Notice of Termination (see below).

**Correcting  
the Problem:**

**For Reason 1 - Damages**

If, within seven days of receiving this notice, the tenant does what is required on the form, the notice will be void and the tenant will not have to move out. If you are giving the notice for this reason, fill in the amount that it will cost to repair the damage or to replace the damaged property, if it is not reasonable to repair it. If you do not know the exact amount, write in the approximate amount based on estimates of what it will cost to have the repairs done or to have the property replaced.

**For Reason 2 - Interfered with Reasonable Enjoyment of the Premises**

If, within seven days of receiving this notice, the tenant stops the activity that you have described in Part B, the notice will be void and the tenant will not have to move out.

**For Reason 3 - Overcrowding**

You can give the notice for this reason if there is a health, safety or housing standards by-law in your municipality that regulates the number of people who are allowed to live in a rental unit, and the number of people living in the rental unit exceeds this amount. On the form, fill in the number of people legally allowed to live in the rental unit. If, within seven days of receiving this notice, the tenant reduces the number of persons living in the rental unit to the number you have indicated on the notice, the notice will be void and the tenant will not have to move out.

## Part D

### This is the tenant's second notice within the last six months

Shade this box on the form if:

- this is the second time the tenant was served with a notice of termination within the last six months, **and**
- the first notice of termination was given for any one of the reasons in Part A, **and**
- the first notice of termination became void because the tenant corrected the problem set out in that notice within seven days of receiving it.

In this case, the termination date on the notice cannot be earlier than the 14th day after this notice is given. There is no opportunity for the tenant to correct the problem and void the notice. When you are counting the days for the notice, do not count the day that you are giving this notice.

#### **Example:**

Sheila Peters, the landlord, has a monthly tenancy agreement with Marge Washburn. Sheila gave a notice of termination to Marge because too many people were living in the rental unit. Sheila mailed this notice to Marge on February 2, 2007. This was also Marge's second notice of termination within the last six months. Because Sheila intended to mail the notice, she added an additional five days when she calculated the termination date. The earliest termination date Sheila Peters could put on the form would be February 21, 2007.

#### **Signature:**

If you are the landlord, check the box marked "landlord" and sign your name. Print your name above your signature. Include your telephone number and the date you are signing this notice.

If you are the landlord's agent, shade the box marked "agent", sign your name and include the date you are signing this notice. In the space marked "Agent Information", fill in your name, company name (if applicable), mailing address, telephone number and a fax number if you have one.

## If you need more information...

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 visit the Board's website at [www.LTB.gov.on.ca](http://www.LTB.gov.on.ca).