



Landlord
and
Tenant Board



Form N4

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

Instructions

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January 31, 2007

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

If your tenant has not paid the rent on the date it is due, you can give them this notice.

For example, if the rental agreement you have with your tenant 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. For information about what happens after you give this notice to your tenant, go to **Section D** below, **What happens after you give this notice**.

If you do **not** want to evict your tenant, but you want to get an order from the Landlord and Tenant Board so that you can collect the rent the tenant owes you, you do not have to use this notice. Instead, you can complete the *Application to collect rent the tenant owes* (Form L9) and file it with the Board. But, you should 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 notice**

You must be sure that your notice meets the requirements of the *Residential Tenancies Act*. Read the following instructions and complete the notice form carefully. If you do not complete the form properly, your notice may not be valid and you may have to start over.

On Page 1 of the Notice form:

To: Fill in the tenant's name. 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, other occupants, such as children or guests of the tenant, do not need to be named.

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

Address of Rental Unit: Fill in the complete address of the rental unit. This includes the unit number and the postal code.

Address of the Rental Unit

Street Number	Street Name	
265	W I T H R O W	
Street Type (e.g. Street, Avenue, Road)	Direction (e.g. East)	Unit/Apt./Suite
B O U L E V A R D	W E S T	21
Municipality (city, town, etc.)	Province	Postal Code
S C A R B O R O U G H	O N	M 5 N 2 R 7

In the main box on the middle of page one of the notice form, you have to fill in:

- the amount you believe the tenant owes you, and
- the termination date.

This information is from your landlord:

I am giving you this notice because I believe you owe me \$, **in rent.**

See the table on the next page for the details about how I calculated this amount.

I can apply to the Landlord and Tenant Board to have you evicted if you do not:

- pay this amount* by / / This date is called the **termination date**.

or

- move out by the termination date

*If another rent payment comes due on or before the termination date, you must also pay this extra amount.

The amount you believe the tenant owes you:

Do **not** fill in this amount until you have completed the table on page two of the notice form. (See the instructions below for completing the table.) Once you complete the table, you will arrive at the total amount that the tenant owes you. This 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 date you put in this field will depend on the type of tenancy you have with your tenant:

- If your rental agreement with the tenant requires them 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 them 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. See the example below.

If you are not delivering the notice to the tenant in person, you may have to add one or more days for the delivery of the notice:

- If you are sending the notice **by courier**, add **one business day**.
- If you are sending the notice **by mail**, add **five days**.

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 days, bringing the termination date to March 22nd (14 days + 5 days for mailing).

On Page 2 of the Notice form:

Complete the table on page two to show:

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

What is included in the definition of rent?

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.

You should **not** use this form to tell the tenant they owe you amounts other than 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 several rental periods in one row of the table. If you believe that your own ledger or account summary is clearer you can attach a sheet that shows the details - but, you should still provide a summary in the table.

Use the following example as a guide:

The tenancy agreement between Bruce Campanolo and Sophia Maxwell requires Sophia to pay \$900 on the first of each month. On December 1st, 2006 she paid only \$850. On January 3rd, 2007, Sophia explained to the landlord that she needed more time to come up with the \$50 she owed for December and the rent for January. Bruce waited to see whether she would come up with the rent for February, but when she told him she could not pay the rent for February either, he decided to give her the N4 notice. This is how he filled out the notice form on February 2nd:

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 Owning \$
From: (dd/mm/yyyy)	To: (dd/mm/yyyy)			
01/12/2006	31/12/2006	900.00	850.00	50.00
01/01/2007	31/01/2007	900.00	0.00	900.00
01/02/2007	28/02/2007	900.00	0.00	900.00
Total Rent Owning \$				1,850.00

Signature:

If you are the landlord, shade the box marked "Landlord". Then, sign the notice form and fill in the date beside the signature box. You also need to complete the areas below the signature box with your name, company name (if applicable), address, phone number and a fax number if you have one.

If you are an agent for the landlord, shade the box marked "Agent". Then, sign the notice form and fill in the date. You also need to complete the fields below the signature box with your name, company name (if applicable), address, phone number and a 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 (if you fax it, it is deemed to be given on the date imprinted on the fax),

- send it by courier (if you courier it, you must add **one business day** for delivery),
- send it by mail (if you mail it, you must add **five days** for delivery).

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 your tenant.

If the tenant does not pay the rent they owe you or does not move out by the date you put in this notice, you can apply to the Landlord and Tenant Board 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 Board is the day **after** the termination date you put in this notice.

To make this application, you will need a Form L1, *Application to evict a tenant for non-payment of rent and to collect rent the tenant owes*. You will also need to file a copy of the Form N4 you gave the tenant, and a Certificate of Service to tell the Board when and how you gave the notice to the tenant. It is best that you complete the Certificate of Service form as soon as possible after you give the notice to the tenant, so that you remember the details about when and how you gave the notice.

You can get a copy of the L1 application and the Certificate of Service forms at your local Board office, or from the Board's website at www.LTB.gov.on.ca.

SECTION E

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.