



# Tribunals Ontario

## 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 1<sup>st</sup>, the earliest day that you can give this notice is March 2<sup>nd</sup>.

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

On October 14<sup>th</sup>, 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 28<sup>th</sup> 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 [tribunalsontario.ca/ltb](http://tribunalsontario.ca/ltb).

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

You can visit the LTB website at: [tribunalsontario.ca/ltb](http://tribunalsontario.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.