



Social Justice Tribunals Ontario

Providing fair and accessible dispute resolution

Landlord and Tenant Board

Form L4-A

Landlord's Application to End a Tenancy and Evict a Tenant Where Tenant failed to Meet Conditions of a Settlement or Order

Instructions

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February 1, 2018

When to use this application

You can use this Form L4-A application to apply to the Landlord and Tenant Board (LTB) for an order to **end a tenancy** and **evict a tenant** where the tenant has not met the conditions in a mediated settlement or order, and the mediated settlement or order allows you to file this application.

Important: You can only make this application if the mediated settlement or order was based on either an *Application to Evict a Tenant for Non-Payment of Rent and to Collect Rent the Tenant Owes* (Form L1) **or** *Application to End a Tenancy and Evict a Tenant* (Form L2) and the Form L1 or Form L2 application was filed on or before December 31, 2017. If the Form L1 or L2 application was filed on or after January 1, 2018 then use Form L4-B.

When can you make this application

In order to make this application **all** of the following conditions have to be met:

- You must have previously applied to the LTB for an order ending the tenancy or evicting the tenant
- and**
- As a result of that application, you and the tenant resolved the application by way of a settlement mediated by the LTB, or the LTB issued an order that set out conditions the tenant had to meet
- and**
- The mediated settlement or order contained a term that allowed you to make this application if the tenant did not comply with certain conditions which relate to the same reason that you applied for in the original application
- and**
- The tenant has not met the specified conditions set out in the mediated settlement or order.

In order to also apply for arrears of rent and compensation:

- You must have previously applied for payment of arrears of rent at the same time as you applied to end the tenancy and evict the tenant
- and**
- The order or mediated settlement must have required the tenant to pay rent or some or all of the arrears of rent.

If there is more than one landlord, fill in information about one of the landlords in this section of Part 1. Provide the names, addresses and telephone numbers of the additional landlords on the [Schedule of Parties](#) form which is available from the LTB website at sjto.ca/ltb.

Tenant Names and Address

In the *Tenant Names and Address* section, 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, fill in information about two tenants in this section of Part 1. Provide the names, addresses and telephone numbers of any additional tenants on the [Schedule of Parties](#) form which is available from the LTB website at sjto.ca/ltb.

Mailing Address

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. Also provide the tenant's fax number and e-mail address if you know them.

Related Applications

If you or your tenant have filed other applications about this rental unit and those applications **have not** been resolved, fill in the file number(s) in the space provided.

PART 2: INFORMATION ABOUT YOUR PREVIOUS APPLICATION

Fill in the file number of the previous order or mediated settlement that resolved the application to end the tenancy and evict the tenant, and the date of the previous mediated settlement or order.

PART 3: REASONS FOR YOUR APPLICATION

Shade the appropriate circle to indicate whether the tenant failed to comply with a term or condition of a mediated settlement or an order.

A. Tenant did not comply with a condition of the mediated settlement

If your previous application was resolved by a **mediated settlement**, you can choose either Reason 1 or Reason 2, but not both. Shade the circle completely to select the appropriate reason.

Reason 1

Select this reason if you are only applying for an order to end the tenancy and evict the tenant. If you are applying for this reason, shade the circle on the form to indicate if the mediated settlement was based on an [Application to Evict a Tenant for Non-Payment of Rent and to Collect Rent the Tenant Owes](#) (Form L1) or [Application to End a Tenancy and Evict a Tenant](#) (Form L2). Then proceed to Part 4 of the application form.

Reason 2

Select this reason if you are applying for both an order ending the tenancy **and** for money owing, including any additional rent that the tenant has not paid, and any NSF charges that came due after the date of the mediated settlement that the tenant

has not paid. You can **only** choose this reason if your mediated settlement was based on an [Application to Evict a Tenant for Non-Payment of Rent and to Collect Rent the Tenant Owes](#) (Form L1).

Note: The most the LTB can order based on your claim is \$25,000. If you believe the tenant owes you more than \$25,000, and you want to collect the full amount, you should apply to court and not to the LTB. Once the LTB issues an order based on your application, you no longer have any claim to amounts greater than \$25,000 from your tenant.

To calculate the total amount the tenant owes you, complete the following steps:

1. In the first line, fill in the total amount from the mediated settlement that the tenant agreed to pay.
2. In the second line, fill in any amounts the tenant has paid you towards the amount set out in the mediated settlement.
3. Next, subtract the amounts the tenant has paid (amount in line 2) from the amount in line 1. The result is the total amount the tenant *still* owes you from the mediated settlement.
4. In the fourth line, fill in any additional rent that came due **after** the date of the mediated settlement that the tenant has not paid.
5. In the fifth line, fill in any NSF charges that came due **after** the date of the mediated settlement that the tenant has not paid. Note: The maximum administration charge for an NSF cheque allowed by the *Residential Tenancies Act* (the RTA) is \$20 per cheque.
6. Next, add the amounts from the line 3, 4 and 5 and fill in the total amount on the form. This is the total amount the tenant now owes.

Example:

Nancy Perkins had applied to the LTB to end the tenancy and evict Alex Barton, and for an order for the payment of the \$500 Alex owed in rent. Through mediation, Nancy and Alex came up with an agreement to resolve this application. In their mediated settlement dated August 15th, 2014, Alex agreed to pay the amounts set out below. They also agreed that if Alex missed any payment, Nancy could apply for an order to end the tenancy and evict Alex, for arrears of rent, and for the payment of any compensation Alex owes.

They agreed Alex would pay as follows:

1. \$400 towards the rent arrears on August 31st, 2014 and \$100 towards rent arrears on September 30th, 2014, for a *total* of \$500 in rent arrears,
2. \$170 for the application fee on September 10th, 2014, and
3. \$800 for September's rent on September 1st, 2014.

Alex paid \$200 towards the rent arrears on August 31st, 2014, but did not pay any other amounts. As a result, on September 3rd, 2014, Nancy filed this application to end the tenancy and evict Alex and also to apply for payment of the money that Alex owes.

Nancy calculated the amount owing as follows:

I have calculated the total amount the tenant owes me as follows:

What is the total amount the mediated settlement requires the tenant to pay? \$

					6	7	0	.	0	0
--	--	--	--	--	---	---	---	---	---	---

Subtract any amounts the tenant has paid you towards the amount set out in the mediated settlement. -\$

					2	0	0	.	0	0
--	--	--	--	--	---	---	---	---	---	---

This is the total amount the tenant still owes from the mediated settlement. =\$

					4	7	0	.	0	0
--	--	--	--	--	---	---	---	---	---	---

Add any additional rent that came due **after** the date of the mediated settlement, that the tenant has **not** paid. +\$

					8	0	0	.	0	0
--	--	--	--	--	---	---	---	---	---	---

Add any NSF charges that came due **after** the date of the mediated settlement, that the tenant has **not** paid. +\$

								.		
--	--	--	--	--	--	--	--	---	--	--

Total amount tenant now owes =\$

		1	.	2	7	0	.	0	0
--	--	---	---	---	---	---	---	---	---

On the form, fill in the tenant’s current rent and shade the appropriate circle to indicate whether the tenant pays rent by the month, week or other. If you choose “other”, fill in the frequency of rent payments (for example, bi-weekly) in the space provided.

B. Tenant did not comply with a condition of an order

If your previous application was resolved by an order, you can choose either Reason 1 or Reason 2, but not both. Shade the circle completely to select the appropriate reason.

Reason 1

Select this reason if you are only applying for an order to end the tenancy and evict the tenant. If you are applying for this reason, shade the circle on the form to indicate if the order was based on an [Application to Evict a Tenant for Non-Payment of Rent and to Collect Rent the Tenant Owes](#) (Form L1) or [Application to End a Tenancy and Evict a Tenant](#) (Form L2). Then proceed to Part 4 of the application form.

Reason 2

Select this reason if you are applying for both an order to end the tenancy **and** for money owing. You can only choose this reason if the order was based on an [Application to Evict a Tenant for Non-Payment of Rent and to Collect Rent the Tenant Owes](#) (Form L1).

Note: The most the LTB can order based on your claim is \$25,000. If you believe the tenant owes you more than \$25,000, and you want to collect the full amount, you should apply to court and not to the LTB. Once the LTB issues an order based on your application, you no longer have any claim to amounts greater than \$25,000 from your tenant.

In the space provided on the form, calculate the total amount the tenant owes you since the date of the order.

1. In the first line, fill in the amount of rent that came due *after* the date of the order which the tenant has **not** paid. (**Do not** include the amount set out in the order).
2. In the second line, fill in the amount of any NSF charges that came due *after* the date of the order that the tenant has **not** paid. The **maximum** administration charge for an NSF cheque allowed by the RTA is \$20 per cheque.
3. Next, add the amounts you filled in on lines 1 and 2 and put the total on line 3. This is the total amount of new rent and charges that the tenant owes since the date of the order.

Important: Do **not** include in this total any rent arrears or NSF charges and fees that have already been ordered to be paid in the previous order, even if they have not been paid. These amounts can be enforced through the courts.

On the form, fill in the tenant's current rent and shade the appropriate circle to indicate whether the tenant pays rent by the month, week or other. If you choose "other", fill in the frequency of rent payments (for example, bi-weekly) in the space provided.

PART 4: 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.

SECTION D

How to complete the Form L4 Affidavit

An affidavit **must** be attached to the Form L4 application. Your affidavit must be sworn or affirmed before a Commissioner of Oaths or a Notary Public. You will be required to swear or affirm that the information you have put in your affidavit is true. The information that must be contained in the affidavit will vary depending on the reason for making the application. If any of the information in the affidavit does not relate to your situation, make sure you cross out that part of the affidavit and initial the deletion.

Section A: Information about the Breach

In the spaces provided, print your name and the name of the city, town or municipality where you live.

In the box on the form, indicate the condition(s) in the mediated settlement or order that were not met within the last 30 days, and how they were not met.

If you selected **Reason 1** in the application, you must complete Section A and Section E of the affidavit form.

If you selected **Reason 2** in the application and if the tenant did not meet one or more conditions of the:

Order ► then complete sections A, B, C and E of the affidavit form.

Mediated settlement ► then complete all sections of the affidavit form.

Section B - New Rent and Charges Owing

New Rent Owing

If the tenant has failed to pay rent or part of the rent that became due **after** the date of the order or mediated settlement, complete the table on the affidavit to show the new rent that is owing. If the tenant does not owe any new rent, mark “N/A” in Section B.

Example:

Jill Payton filed an application to end the tenancy and evict Chris Johnson and for an order for the payment of arrears of rent. The parties settled the application through mediation. However, Chris Johnson did not pay the \$250 arrears payment that was due on August 25th, 2014. As well, he did not give Jill Payton the rent payment of \$750 that was to be paid on September 1st, 2014. As a result, Jill’s application includes the *new* rent arrears that are owing.

Jill filled out the table on the form as follows:

Rent Period		Rent Charged \$	Rent Paid \$	Rent Owing \$
From: (dd/mm/yyyy)	To: (dd/mm/yyyy)			
01/09/2014	30/09/2014	750.00	0.00	750.00
/ /	/ /	.	.	.
/ /	/ /	.	.	.
Total New Rent Arrears Owing \$				750.00

New NSF and/or related Administration Charges Owing

If you have incurred any *new* NSF cheque charges or related fees **after** the date of the order or mediated settlement, complete the appropriate table on the form. The NSF cheque charge is the actual amount the financial institution charged you. The maximum related administration charge allowed by the RTA is \$20 per cheque. If the tenant does not owe any new NSF charges, mark “N/A” in this section of the affidavit form.

Example: Stan Thomas had made an application to end the tenancy and evict Jean Wallace and for an order for the payment of arrears of rent. The parties had settled this application through mediation. As per the terms of the agreement,

Jean gave Stan a cheque for \$1000 for arrears dated January 1, 2015, but the cheque was returned NSF. The bank charged Stan an NSF fee of \$5.

Stan filled out the table on the form 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 \$
1,000.00	01/01/2015	14/01/2015	5.00	20.00	25.00
	/ /	/ /	.	.	.
	/ /	/ /	.	.	.
Total NSF Related Charges Owing \$					25.00

Section C: Information about the Rent Deposit

When determining any amount the tenant may owe you, the LTB will subtract any rent deposit and interest you owe the tenant. If you are still holding a last month's rent deposit, complete this section of the form.

- First, fill in the amount of rent that you are currently holding as a rent deposit.
- Next, fill in the date you collected the rent deposit.
- Finally, if you have paid the tenant interest on the rent deposit, fill in the start date and end date of the last period for which you paid the tenant interest on the rent deposit.

If you are not holding a rent deposit from the tenant, mark "N/A" in Section C.

Section D: Information about the Mediated Settlement

Amounts Owning in the Mediated Settlement

Fill in the date that the mediated settlement was signed.

Then, fill in the total amount of **rent arrears** the tenant was required to pay in the mediated settlement. Do not include any other amounts in this total, even if they were agreed to in the settlement (for example, if the settlement also required the tenant to pay for damages, do not include that amount in this section of the form).

Next, fill in the end date for the final rental period during which the tenant owes arrears.

Finally, fill in the amount the tenant agreed to pay in the mediated settlement for NSF charges and/or for the fee for the previous application.

Rent Arrears Payments Received

You must complete this chart on the form to show each payment that the tenant made in accordance with the mediated settlement.

For each payment, you must complete the date the payment was made, the amount of the payment, and indicate whether the payment was for rent arrears, rent, an NSF cheque or administration charge, the previous application fee or other.

If the tenant has not made any payments in accordance with the mediated settlement, mark "N/A" in the table.

Important: If the tenant has made a full rent payment in accordance with the mediated settlement, include the rent payment in this chart. If the tenant has made a partial rent payment, fill in only the paid amount in this chart. The rent amount that is still owing should be included in *Section B* on the affidavit form.

Example:

As per the terms of the mediated settlement, Laura Brennan agreed to pay the following amounts to her landlord, Lynn Johnson: \$200 for rent arrears on August 10th, 2014, \$20 for the NSF charges on August 10th, 2014, \$750 for rent on September 1st, 2014, and \$200 for rent arrears on September 10th, 2014.

Laura made the following payments: on August 10th, 2014 she paid \$200 for rent arrears and \$20 for the NSF charges. On September 1st, 2014, she paid only \$550 for September's rent. On September 5th, 2014, Lynn filed an application with the LTB.

This is how Lynn filled out the chart on the affidavit form:

Date the Payment was made dd/mm/yyyy	Amount of Payment \$	What the Payment was for
10 / 08 / 2014 dd/mm/yyyy	200.00	<input checked="" type="radio"/> Arrears <input type="radio"/> NSF <input type="radio"/> NSF Admin Charge <input type="radio"/> App. Fee <input type="radio"/> Rent <input type="radio"/> Other _____
10 / 08 / 2014 dd/mm/yyyy	20.00	<input type="radio"/> Arrears <input checked="" type="radio"/> NSF <input type="radio"/> NSF Admin Charge <input type="radio"/> App. Fee <input type="radio"/> Rent <input type="radio"/> Other _____
01 / 09 / 2014 dd/mm/yyyy	550.00	<input type="radio"/> Arrears <input type="radio"/> NSF <input type="radio"/> NSF Admin Charge <input type="radio"/> App. Fee <input checked="" type="radio"/> Rent <input type="radio"/> Other _____
/ / dd/mm/yyyy	.	<input type="radio"/> Arrears <input type="radio"/> NSF <input type="radio"/> NSF Admin Charge <input type="radio"/> App. Fee <input type="radio"/> Rent <input type="radio"/> Other _____

Section E: Signature

Your affidavit must be sworn or affirmed before a Commissioner of Oaths or a Notary Public. The person commissioning the affidavit will complete the information in this part of the form and you will sign the form at that time. The LTB has staff in many of its offices who can commission your oath.

SECTION
E

What to include when you file your application

To file this application, you must include the following:

- The completed L4 application form,
- A copy of the mediated settlement or order,
- An affidavit that sets out which conditions the tenant did not meet and in what way the tenant did not meet these conditions.

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

SECTION
F

How to file your application

You can file your application one of the following ways:

1. In Person at the nearest LTB office.

To find a list of LTB [office locations](http://sjto.ca/ltb) visit the LTB website at sjto.ca/ltb. You can also call the LTB at 416-645-8080 or 1-888-332-3234 (toll-free).

2. By Mail

Mail your L4 application to the nearest LTB office.

To find a list of [office locations](http://sjto.ca/ltb) visit the LTB website at sjto.ca/ltb. You can also call the LTB at 416-645-8080 or 1-888-332-3234 (toll-free).

3. By Fax

You can fax your application to the nearest LTB office.

To find a list of LTB [office fax numbers](http://sjto.ca/ltb) visit the LTB website at sjto.ca/ltb. You can also call the LTB at 416-645-8080 or 1-888-332-3234 (toll-free).

SECTION
G

What to do if you have any questions

You can visit the LTB website at: sjto.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 Representatives.

Customer Service Representatives 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.