



## Social Justice Tribunals Ontario

*Providing fair and accessible dispute resolution*

Landlord and Tenant Board

### Form L9

# Application to Collect Rent the Tenant Owes

### Instructions

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January 16, 2017

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

You can use this application if the tenant owes you rent and you want to collect the money the tenant owes.

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

You **cannot** file this application if the tenant has moved out of the rental unit. If the tenant has already moved out, you can apply to court for the money the tenant owes you. You should also be aware that if the Landlord and Tenant Board (LTB) issues an order on an L9 application and the tenant still does not pay, you cannot use that order to evict the tenant.

**If you want to evict your tenant for non-payment of rent**, you can complete the *Application to Evict a Tenant for Non-Payment of Rent and to Collect Rent the Tenant Owes* (Form L1) and file it with the LTB. However, before you file the L1 application, you must give the tenant an N4 *Notice to End your Tenancy for Non-Payment of Rent*.

**SECTION****B****How to complete this application**

Read these instructions before completing the application form. You are responsible for ensuring that your application is correct and complete. Follow the instructions carefully when you complete the application form.

The information you fill in on the form will be read electronically; therefore, it is important to follow the instructions below:

- Print clearly or type 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 or a circle (for example, circles marked “Yes” or “No”), shade the box or circle completely.

**PART 1: ADDRESS OF THE RENTAL UNIT COVERED BY THIS APPLICATION**

Fill in the complete address of the rental unit, including the unit number (or apartment or suite number) and the postal code.



[Schedule of Parties](#) form which is available from the LTB website at [sjto.ca/ltb](http://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 that relate to this rental unit, and those applications **have not** been resolved, fill in the file numbers in the space provided.

## **PART 4: REASONS FOR YOUR APPLICATION**

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

Shade either the **Yes** or **No** circle to answer whether or not the tenant is still living in the rental unit on the date you file this application. The tenant must be living in the rental unit when you file this application.

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 5: DETAILS OF THE LANDLORD'S CLAIM**

**Section 1: Rent Owing:** Complete the Rent Owing table to show how you calculated the 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.

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 November 1, 2014 Sophia paid only \$900 and on December 1<sup>st</sup>, she only paid \$700. On January 1, 2015 Sophia gave Bruce a cheque for \$1000 which was returned NSF.

On January 29<sup>th</sup> Bruce filed this application with the LTB. 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)			
01/11/2014	30/11/2014	1,000.00	900.00	100.00
01/12/2014	31/12/2014	1,000.00	700.00	300.00
01/01/2015	31/01/2015	1,000.00	0.00	1,000.00
Total Rent Owing \$				1,400.00

**Section 2: NSF Cheque Charges:** If the tenant made a payment by cheque that was returned to you because of non-sufficient funds (NSF), and the tenant has not paid you back for the charges related to the NSF cheque, you can include these amounts in your application. If the tenant does not owe you anything related to NSF charges, leave this section blank.

Complete the table to show how you calculated the amount the tenant owes you. Fill in one row of the table for each NSF cheque the tenant gave you. Include the following information:

- the amount of the cheque,
- the date of the cheque,
- the date your financial institution charged you for the NSF cheque (under *Date NSF Charge Incurred*),
- the amount the bank charged you for the NSF cheque (under *Bank Charge for NSF Cheque*),
- the amount of your related administration charges (under *Landlord's Administration Charge*),

**Note:** A landlord's administration charge for NSF cheques can include your personal or corporate costs related to the handling of NSF rent cheques. For example, this charge may include the costs for additional accounting expenses or tenant notification in cases of NSF cheques. The **maximum** administration charge for an NSF cheque allowed by the *Residential Tenancies Act (the Act)*, 2006 is \$20 per cheque.

- Calculate the amounts for each row in the *Total Charge* column by adding the amount for *Bank Charge for NSF Cheque* and the amount for *Landlord's Administration Charge*. Do **not** include the *Cheque Amount*.
- Calculate the amount for *Total NSF Related Charges Owing* by adding the amounts you filled in the *Total Charge* column.

**Example:** Sophia Maxwell, the tenant, gave Bruce Campanolo, the landlord, a cheque for \$1000.00, dated January 1st for January'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 January 14th. Bruce also had costs related to the handling of the NSF cheque.

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

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

### PART 6: TOTAL AMOUNT OWING

Transfer the *Total Rent Owing* amount from Section 1 of Part 5 to the *Total Rent Owing* field in Part 6.

Transfer the *Total NSF Related Charges Owing* amount from Section 2 of Part 5 to the *Total NSF Cheque Related Charges Owing* field in Part 6.

Under *Application Fee*, fill in the application fee of \$190.

Calculate the amount under *Total Amount Owing* by adding the *Total Rent Owing* amount, the *Total NSF Cheque Related Charges Owing* amount and the application fee. Then, transfer this amount to the box in Part 2. The date you fill in Part 2 is the date you are filing the application with the LTB.

**Example:** When landlord Bruce Campanolo files this application, tenant Sophia Maxwell owes him \$1400 in rent, \$25 in NSF charges and \$190 for the application fee. This is how Bruce filled out Part 6 of the form:

**Total rent owing:** \$ 

	1	,	4	0	0	.	0	0
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(from Part 5, Section 1)

**Total NSF cheque related charges owing:** \$ 

				2	5	.	0	0
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(from Part 5, Section 2)

**Application Fee:** \$ 

			1	9	0	.	0	0
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**Total:** \$ 

		1	,	6	1	5	.	0	0
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**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.

## PART 7: 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

## REQUEST FOR ACCOMMODATION OR FRENCH-LANGUAGE SERVICES

The LTB wants to ensure that everyone who uses its services can ask for and receive accommodation and/or French Language services in order to be able to participate in its proceedings on an equal basis.

Shade the appropriate box or boxes on the form to indicate whether you need accommodation under the *Ontario Human Rights Code*, French-language services or both. The LTB will not include a copy of this form when we give the other parties a copy of the application form. However, the information will be included in your application file. The file may be viewed by other parties to the application.

If you require accommodation under the *Human Rights Code*, explain what services you need in the space provided.

## PAYMENT AND SCHEDULING INFORMATION FORM

Complete this form to provide the LTB with the information required to process your application. 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 LTB 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.

You may request a fee waiver if you meet the financial eligibility requirements set out by the LTB. You will need to complete the [Fee Waiver Form](#) which is available from the LTB website at [sjto.ca/ltb](http://sjto.ca/ltb). For more information about fee waivers and the eligibility criteria, go to the fee waiver rules and practice direction on the [Rules of Practice](#) page of the LTB website.

## Part 1: Payment Method

Shade the appropriate box to show whether you are paying by cash, debit card, money order, certified cheque, Visa or MasterCard. 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

The LTB will normally schedule your hearing between 3 weeks and 6 weeks after the date you file your application. The LTB will schedule your hearing on the first available hearing date within this 3 week period. If there are any dates that you are not available during this 3 week period, list them here. The LTB will not schedule your hearing on the date(s) you indicate you are not available and will schedule your hearing on the next available hearing date. **The LTB will not contact you to schedule a hearing.**

### SECTION

## C

## What to include when you file your application

To file this application, you must include the following:

- The completed L9 application form,
- The application fee (listed on the cover page of the application).

**Your application will be refused if you do not pay the application fee.**

### SECTION

## D

## How to file your application

You can file your application in one of the following ways:

**1. In Person** at the nearest LTB office.

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

If you file your application in person at an LTB office, you can pay the application fee by cash, debit card, certified cheque, money order, Visa or MasterCard.

## 2. By Mail

Mail your L9 application to the nearest LTB office.

To find a list of LTB [office locations](#) 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).

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

## 3. By Fax

You can fax your application to the nearest LTB office.

To find a list of LTB [office fax numbers](#) 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).

If you fax your application you can pay the application fee by Visa or MasterCard.

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

### SECTION

## E

## 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 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.