



When the Rent is due on the 1st of the month, if it goes unpaid, a N4-Notice to Terminate for Non-Payment of Rent must be prepared and served A.S.A.P.

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Landlords should operate their rental properties as if they were an independent business. If an account goes unpaid, a follow up notice is usually sent. Why do landlords fail to prepare and serve the paperwork required to enforce their rights.

When the rent is due on the 1st of the month, if it goes unpaid, a N4 – Notice to End a Tenancy Early for Non-payment of Rent must be prepared and served A.S.A.P. A N4 notice requires the Landlord to provide 14 clear days between the day the document is served and the termination date for a month to month tenancy. Failure to ensure this calculation is done correctly could lead to a Landlord & Tenant Board case not going in the favour of the landlord. As proper notice must be provided for, it is important to begin the paperwork as soon as possible to prevent any delays.

In some cases the tenants will try to convince the landlord to postpone or avoid the process altogether by giving false promises of rent. Often times these promises cause the landlord many heartaches as it causes the eviction process to be delayed.

Once the proper paperwork has been served the landlord must provide the Ontario Landlord & Tenant Board with a \$150 filing fee to process the L1 application. This fee can in most cases be recovered from the tenant when the Board issues an order for payment of the rent arrears and costs against the tenant. In most orders, the tenant is given 11 days from the date of the order to vacate the premises or pay the full amount owing according to the breakdown given in the order.

Just because a landlord files an application with the board, it does not mean that a hearing is mandatory. If both, the landlord and the tenant agree, mediation can be entered into, with an impartial mediator provided by the board, to help the parties resolve their issues. A common resolution is that a payment schedule will be set up and sets out the consequences should the payments not be made. In many cases, the landlord will have a clause that allows the landlord to apply to the board for an eviction, without notice to the tenant, should the tenant default in any of the payments or in any future rent that becomes due.

Even after an order is received from the LTB, in some cases the local Sheriff is needed to carry out the order. The Sheriff once instructed and paid, will attend the rental unit and post a notice that the unit is to be vacated within 72 hours. After the required time elapses, the physical removal of any unauthorized person from the rental unit, using reasonable force if needed.

The Residential Tenancies Act (R.T.A.) is the legislation that covers most residential rental units in Ontario. The R.T.A. is complicated and now more than ever, it is important for a landlord to review their

legal rights with a licenced legal professional. Having well drafted documents can make the difference from having a profitable building and having a building that is costing the landlord hundreds of dollars a month.

David Chatten is the owner and operator of D.C. Paralegal Services. D.C. Paralegal Services has licenced paralegals across Ontario that are available to answer any legal questions a person may have regarding a rental property or a landlord and tenant situation. Feel free to contact D.C. Paralegal Services 24/7 at 1-888-668-9267 or by email at info@dclegal.net. D.C. Paralegal Services head office is located at 125 College Street West, Belleville, Ontario, K8P 2G3.