



Landlord and Tenant Board termination and application dates

This issue of *Evictions: What co-ops need to know* deals with the termination dates used on the Landlord and Tenant Board (LTB) termination notices and outlines when co-ops can file an application with the LTB.

Evictions: What co-ops need to know is an educational series to help Ontario co-ops understand and navigate evictions and the Landlord and Tenant Board (LTB) eviction system. Most co-op evictions in Ontario are handled by the LTB which is part of **Tribunals Ontario** and plays an important role in the administration of justice. These tip sheets can be found in CHF Canada's online Member Resource Centre at chfcanada.coop/resources.

Filing your eviction application with the LTB

Once the co-op's internal eviction process is completed and the member has not moved out, the co-op needs to confirm that the grounds for eviction are covered under the Residential Tenancies Act (RTA) and then it can issue the appropriate **Notice of Termination of Occupancy Rights**. This stage of the process can feel like a repeat notice period for the member, but it cannot be skipped.

LTB Notice of Termination dates and opportunity to remedy

The chart below sets out:

1. the grounds that each LTB termination notice is used for
2. the termination date for each ground
3. whether there is an opportunity for the member to remedy (correct the situation and avoid eviction)

The termination notices, varying by grounds, can be downloaded from the LTB website (<https://tribunalsontario.ca/ltb/non-profit-co-op-evictions/>). The rules for termination dates are in the RTA s.94.4:

Notice*	Grounds	Termination date**	Chance to remedy?
N4C	Arrears of regular monthly housing charges	At least 14 days after notice delivered	Y
N5C	<ol style="list-style-type: none"> 1. Behaviour causing substantial interference with co-op's or occupants enjoyment, or co-op's or occupants lawful right, interest or privilege 2. Willful or negligent damage 3. Number of people in unit is more than legally allowed 	At least 20 days after notice delivered (14 days if it is the second notice within six months)	Y No if second notice in six months
N6C	<ol style="list-style-type: none"> 1. Illegal act related to drug production or trafficking 2. Other illegal act or business 3. Misrepresentation of income 	Reason 1 – 10 days after notice delivered Reason 2 and 3 – 20 days after notice delivered	N
N7C	<ol style="list-style-type: none"> 1. Behaviour seriously impairing safety 2. Willful undue damage (intentional and provable) 3. Use of the unit that is inconsistent with residential uses and caused or is expected to cause damage 	10 days after notice delivered	N
N8C	<ol style="list-style-type: none"> 1. Persistent late payment 2. No longer eligible for social housing 	60 days at least after notice delivered. Termination date must be at the end of a month	No

Notice of Termination form titles:

N4C: Notice by the Co-op to End your Occupancy for Non-payment of Regular Monthly Housing Charges

N5C: Notice by the Co-op to End your Occupancy for Interfering with Others, Damage or Overcrowding

N6C: Notice by the Co-op to End your Occupancy for Illegal Acts or Misrepresenting Income

N7C: Notice by the Co-op to End your Occupancy for Causing Serious Problems in the Member Unit or Residential Complex

N8C: Notice by the Co-op to End your Occupancy for Persistent Late Payment or Ceasing to Qualify.

****If sending by mail** notice is considered delivered five (5) days after mailing. So for the N4C, if sending by mail, the termination date is 19 days after mailing.

LTB Co-op Application dates and forms

Depending on the grounds, once the correction period has passed (if applicable), the co-op can then file a **Form C (Co-op Application to End the Occupancy and Evict the Member** along with one of four supporting **Form C LTB Applications**). The below chart sets out:

1. which LTB application form is used for each ground for eviction
2. the date when the co-op can apply to the LTB

Remember, the co-op cannot apply to the LTB until they have served an LTB termination notice and the application date in this chart has been reached.

The forms can be downloaded from the LTB website (<https://tribunalsontario.ca/ltb/non-profit-co-op-evictions/>). The rules about when a co-op can apply to the LTB are in the RTA s.94.7 and 94.8.

Notice	Application Form*	When to apply
N4C	Form C + C1	Anytime after the termination date in the N4C. This is the only application that does not need to be filed within 30 days of the termination date.
N5C	Form C + C2	Seven days after serving the N5C or immediately if it is the second offence within six months. The application must be filed no later than 30 days after the termination date.
N6C	Form C + C2	Anytime after serving the N6C. The application must be filed no later than 30 days after the termination date.

Notice	Application Form*	When to apply
N7C	Form C + C2	Anytime after serving the N7C. The application must be filed no later than 30 days after the termination date.
N8C	Form C + C2	Anytime after serving the N8C. The application must be filed no later than 30 days after the termination date.

*Form C Co-op Application titles:

C1: Application to End the Occupancy and Evict the Member based on Non-Payment of Regular Monthly Housing Charges and to Collect the Housing Charges that the Co-op Member Owes

C2: Application to End the Occupancy of the Member Unit and Evict the Member

C3: Application to End the Occupancy of the Member Unit and Evict the Member – Based on the Member’s Consent or Notice application, or any application combined with a C3

C4: Application to End the Occupancy of the Member and Evict the Member because the Member failed to Meet Conditions of a Settlement/Order

Other application forms

The LTB application forms C3 and C4 are not in the table above. **Form C3** is used when a member has given a notice to vacate and has not moved out by the date given. This form must be filed within 30 days of the date that the member said they would move out.

Form **C4** is used when the member has breached a previous LTB order or mediated settlement and the settlement is subject to section 94.11 of the RTA. For example, if the order or settlement states that the member will pay their housing charges in full and on time, but they miss a payment. This form must be filed within 30 days of the date that the member breached the condition in the order or mediated settlement.

More Tips:

The other tip sheets in this series give your board advice on specific issues that might come up as the co-op works on evictions. This information is provided to help the board do its job. While the manager will end up doing most of the eviction work referred to, it is important that the board works with staff as a team and provides clear direction. These tip sheets can be found in CHF Canada’s online Member Resource Centre at chfcanada.coop/resources.

For more information on the eviction system please contact:

CHF Canada, Ontario Region Office: 720 Spadina Avenue, Suite 313, Toronto ON, Canada M5S 2T9
Phone: 416-366-1711 | Toll-Free: 1-800-268-2537 | Fax: 416-366-3876 | info@chfcanada.coop

[@chfcanada](#)      www.chfcanada.coop

For more resources in this series, visit chfcanada.coop/OntarioEvictionsSeries

*Disclaimer: The co-op should not use this information instead of legal advice. Co-ops and situations are different from each other and people understand things differently. This issue of *Evictions: What co-ops need to know* assumes things that may not be true of your co-op or your situation.*