

The **L1/L9 Information Update** form, available from the Landlord and Tenant Board (LTB) website, must be uploaded to your file on the LTB portal and served to the Tenant(s) **no later than 5 days prior to an L1 or L9 hearing**, using a method of service acceptable to the Board. Upload a Certificate of Service to the portal once you have served the tenant with this form (and the Schedule if you are using it).

If no new rent will become due in the 7 days prior to the hearing, you could upload and serve the completed, dated and signed Update form (and Schedule if using it) when you upload and serve any evidence. You do not have to wait until 5 days before the hearing to upload and serve the Update, especially if no new rent is to become due before the hearing. **Do not assume rent will not be paid and include it on this form prematurely** if it has not yet become due on the date you are signing the L1/L9 Information Update. **If new rent will become due on the day or two before the hearing after you have uploaded and served this Update, or payments are made after the 5-day deadline, this form can be updated with such last-minute changes at the hearing, if necessary.** Since you are the applicant, you may be asked to make any necessary changes to calculations at the hearing and upload a new update during the hearing when you are already nervous, so It is best to limit having to make last-minute changes, when possible, and not have such an issue use up valuable hearing time for your case.

It is not necessary to use this Schedule, especially if there is room on the Update form to list each new rent that became due/payment that was made after filing the L1 or L9. The area of the Schedule most relevant to the Update form is shaded to show transactions since the application was filed, which is the main purpose of this Update form. I have found the Schedule useful in that it acts as one detailed ledger that covers pre-N4 arrears, then L1/L9 arrears, post L1/L9 arrears and finally, grand total arrears and payments. The amounts to be carried onto the Update form are indicated in the Schedule.

Make sure the totals you indicate in the N4 and L1/L9 cells of the Schedule match the totals you indicated on the N4 and L1/L9 applications when you signed them. While an application may be amended, a Notice (N4) cannot be amended and an error there will very likely lead to your application being dismissed. **Note: the N4 section of the Schedule will not be relevant to an L9 application, an L9 is not an application for eviction, just collection of rent arrears, so an N4 termination notice would not have been issued.**

***** If you add or remove a row in the Schedule, ensure the Excel formulas adjust, or that you adjust the formula. *****

L1/L9 Information Update Form:

Identification section:

Provide:

- **Name(s) of the Landlord(s)** as on the N4, L1 or L9 application
- **Name(s) of Tenant(s)** as on the N4, L1 or L9 application

- **Full address of the rental unit, including any unit # or other descriptor such as Upper Floor, Basement, etc.**
- **File # (LTB-L-#####-##), which is on your hearing notice.**

Section 1: Indicate “no” (or “yes“ & the date the tenant moved out ahead of the hearing, if that is the case.)

Section 2: Usually, the answer is “no.” Sometimes, the landlord lawfully increased the monthly rent between filing the application and the hearing date. If so, indicate the new rent and the date it became effective.

Section 3: Usually, the answer is “no” in that the **deposit** did not change from that entered on the application, if you entered it there. Frequently, a tenant asks, and the landlord consents, to apply the last month’s rent deposit to a month of rent owing, but which is not the last month of tenancy. Although this should never be done, if the amount being held as deposit has changed, since the L1/L9 application, indicate “yes” and indicate the amount of deposit now held. Even if it has not changed, enter the amount here anyway and say “no,” as it saves time having the deposit amount right there, rather than the adjudicator needing to refer to the application to pick it up from there when writing the order. Often the amount here will be less than the current rent if the tenant moved in more than 12 months ago, lawful annual rent increases occurred, but the original deposit was not updated to reflect the current rent. **(Although not asked as part of the Update, it is very useful to have the date this deposit was collected at your fingertips as you will likely be asked, even though that date may be on the application. Same with the occupancy date - have it handy, so you are not opening the application and lease files to find these dates.)**

If you did not pay **interest on a deposit**, as is often the situation, leave that date field in Section 3 blank. If you paid interest recently, include proof with your evidence in case you are challenged (not too likely) on this point at the hearing. **The adjudicator, independently, will calculate any interest owed and deduct it from any ordered arrears. *You do not need to calculate interest on this form.*** Also, the Member, independently, will deduct any deposit held.

Section 4: Indicate the amount of any full/partial **rent payment(s)** since the L1 or L9 application was made and each date any payment was made, then include the total payment made since the application was filed. This section stands independent of section 5. If there were more than 3 payments of rent since the L1/L9 application was filed, you should use the Schedule to record them. **Write “See Sched. A” in section 4 if you are providing the detail in the Schedule.**

Section 5: Indicate the amount of **rent that became due** and the date it became due for each month since filing the L1 or L9 application. Indicate the full amount of rent that became due on a given date, whether payments were made or not. This section stands independent of section 4 where payments were recorded. If more than 3 months of new rent became due since the

application was filed, you should use the Schedule. **Write “See Sched. A” in section 5 if you are providing the detail in the Schedule.**

Section 6: The total must be calculated by you; it is not populated. Here you must bring in the amount that you filed as owing on the L1 or L9 application and add it to the total amount of rent that became due *after* the application was filed, less any rent payments that were made following the application, even if you applied the payment to a debt owing pre-application. As stated on the form, you do *not*: include NSF fees; deduct a deposit or add/deduct interest unpaid/paid; or include the application fee in the total for this section 6. **If using the Schedule, refer to the cell identified there as the one where the amount in it, should be carried to the subtotal field of the form.**

Section 7: Usually, there are no NSF charges as rent is not made often by cheque anymore or the tenant has not attempted a payment to be deemed insufficient. However, if this fee (max. \$20) has been charged by a financial institution, then provide the details in this section (and in the relevant NSF cell at the end of the Schedule, if using it). Include proof of such charges with your evidence if claiming them here.

Section 8: Almost every landlord indicates they want the tenant to pay their application fee of usually \$186. You do *not* need to include proof of this fee in your evidence. **If all rent arrears are paid after the application is filed, but the application fee you requested is not paid, your application lives on, unless you withdraw the application. At your hearing, you can request an order for payment of the fee alone that you indicated in section 8 and for any new rent that may become due prior to the hearing.**

Section 9: Must be calculated by you or carried from the relevant cell indicated in the Schedule. Here, you include the application fee (from Section 8), total of any NSF charges (from Section 7) and the net total arrears owed to you (from Section 6). As stated on the form, you do *not*: include any calculation in Section 9 regarding last month’s rent deposit; interest paid/unpaid; or any other fee. You indicated the amount of any deposit being held and interest paid or unpaid in earlier sections of this form and the adjudicator will apply these adjustments on their own while writing the order.

Section 10: Often this section is not completed and can be left blank. Section 83 of the *RTA* instructs adjudicators to consider any special circumstances of the landlord or tenant that the Board should review which may affect a decision to evict. Although s. 83 issues will often be raised in a hearing, and usually by the tenant, it does not hurt for landlords to mention here how they will be prejudiced if eviction following an L1 hearing is not granted or is unreasonably delayed. Although any statement needs to be true to your scenario, an example, might look like:

The Tenants would not enter into a payment plan, did not make rental payments as per the Board's Interim Order, and has provided no evidence that their financial circumstances have recently improved or are about to change, such that they can pay their arrears and pay new rent as it becomes due. As such, it would be prejudicial to the Landlord to continue this tenancy.

It is more important to include such a statement orally when asked for your final Submission (what you want the Board to order, why you believe it would be unfair not to receive that order and maybe why your request would be consistent with decisions of past case law) at the end of the hearing. Case law is not usually necessary for an L1 application that remains uncomplicated.

Sign and date the Declaration at the end of the Update form (one landlord's signature on this form is sufficient). Indicate whether you are a **Landlord** or the **Legal Representative**.