

# Important information about the Payment Agreement

**A landlord and tenant can use this form when the landlord has filed an L1 application (*Application to Evict a Tenant for Non-payment of Rent and to Collect Rent the Tenant Owes*), or an L9 application (*Application to Collect Rent the Tenant Owes*).**

**Read this information over carefully before filling out or signing the attached Payment Agreement form.**

**You may want to get legal advice first.** Once the Payment Agreement is signed by the landlord and tenant, it is a legal contract.

**You do not have to sign this Agreement if you do not agree with all of the terms.** If the landlord and tenant do not reach an agreement on all the terms (including what happens when a payment is missed) the Landlord and Tenant Board (the Board) will hold a hearing and a Board Member will issue an order.

## **A Payment Agreement *can* include:**

- the amount of rent that the tenant owes the landlord to the end of the current rent period, as of the date this Agreement is signed,
- any NSF bank charges and related administration charges that the tenant owes the landlord,
- the fee that the landlord paid to file the application,
- any new rent that will come due during the period covered by the Agreement (for L1 Applications only), and
- an agreement that the landlord can apply for an eviction order without notice to the tenant and without a hearing being held if the tenant misses or is late with a payment (for L1 Applications only).

## **A Payment Agreement *cannot*:**

- agree to end the tenancy or evict the tenant,
- include any repayment of any non-rent arrears except those listed above
- **be used where the landlord has combined a rent arrears application with another type of application. It can only be used for rent arrears applications (L1 and L9 applications).**

## **Give the Board the completed form right away:**

This form should be sent to the local LTB Regional Office by email as soon as it is completed and signed by the landlord and tenant. If the form is given to the Board close to the hearing date the Board may not have time to issue an order before the hearing. If this happens, the hearing will go ahead and you should attend the hearing.

## **Filing this form with the Board:**

Once all parties have signed this form it must be filed with the Board. You can file a copy of the agreement with the Board by emailing, or mailing, to the local LTB Regional Office.

## **What happens after this form is filed with the Board:**

The Board will decide whether to make a "consent order" based on the Agreement. If a consent order is issued the hearing will be cancelled.

If the Board does **not** issue a consent order, the hearing will take place as scheduled (or a hearing will be scheduled). If a hearing is held it is important that all parties attend the hearing. If you do not go to a hearing, the Board will hold a hearing without you. For information about your hearing, see the Notice of Hearing.

**Important:** If you do not receive an order from the Board before your hearing date, you should contact the Board to find out if the hearing has been cancelled.

### **What happens after the Board makes a consent order:**

The landlord or tenant can ask the Board to **re-open the application within 30 days** after the Board made the consent order, if they believe that the other party:

- forced them to enter into the agreement, or
- gave them false or misleading information on purpose that had a "material effect" on this Agreement and on the order.

If an application is re-opened, there will be a hearing and the Board will decide if the order should be changed.

### **What happens if the Tenant does not meet the repayment terms?**

#### **For L1 and L9 Applications:**

If the Board issues a consent order based on this Agreement and the landlord claims that the tenant has failed to make a payment in full and on time, the landlord can ask the Board to re-open the application and hold a hearing. This request must be made by the landlord within 30 days of the tenant's failure to make a payment in full and on time.

#### **Option for L1 Applications only:**

If the landlord and tenant agree, the consent order will include a term that allows the landlord to ask the Board to issue an eviction order if the tenant fails to make a payment in full and on time. The new (L4) application must be made by the landlord within 30 days of the tenant's failure to make a payment in full and on time. The Board does not charge a filing fee for this type of application.

<b>Important note to tenants:</b>
<p>If you agree to this option, the landlord does not have to tell you before they file the new application for termination of your tenancy and eviction. If the Board accepts the landlord's application, it will send an eviction order to both parties without hearing from you.</p> <p>If you receive an eviction order without a hearing, you can file a motion to set aside the order within 10 days of the date the order was made, to request a hearing to challenge the eviction.</p>



File Number

**Payment Agreement to settle based on:**

- an L1 Application (an Application to Evict a Tenant for Non-payment of Rent and to Collect Rent the Tenant Owes), or
- an L9 Application (an Application to Collect Rent the Tenant Owes)

<b>Landlord(s):</b>	<b>Tenant(s):</b>
<b>Address of the Rental Unit:</b>	

The terms "landlord" and "tenant" will be used in this Agreement to include everyone listed above.

**The landlord and the tenant agree to the following repayment plan to settle the landlord's application.**

**1. Amount to be paid by tenant:**

- \$ . **Rent up to this date:** / /  
dd/mm/yyyy
- \$ . **NSF bank and administration charges (optional)**  
**Note: \$20.00 maximum administration charge per cheque**
- \$ . **Fee the landlord paid to file the application (optional)**
- \$ . **Total amount to be paid**

**2. Payment Amounts and dates:**

The tenant agrees to pay the landlord the amount in section 1 above, as follows. (There is no restriction on the number of payments you can agree to. Attach a separate sheet if more payments are needed.)

	Amount to be paid	Due date (dd/mm/yyyy)
1.	\$ .	<span style="border: 1px solid black; padding: 2px 10px; display: inline-block; text-align: center;">/ /</span>
2.	\$ .	<span style="border: 1px solid black; padding: 2px 10px; display: inline-block; text-align: center;">/ /</span>
3.	\$ .	<span style="border: 1px solid black; padding: 2px 10px; display: inline-block; text-align: center;">/ /</span>
4.	\$ .	<span style="border: 1px solid black; padding: 2px 10px; display: inline-block; text-align: center;">/ /</span>
5.	\$ .	<span style="border: 1px solid black; padding: 2px 10px; display: inline-block; text-align: center;">/ /</span>
6.	\$ .	<span style="border: 1px solid black; padding: 2px 10px; display: inline-block; text-align: center;">/ /</span>
7.	\$ .	<span style="border: 1px solid black; padding: 2px 10px; display: inline-block; text-align: center;">/ /</span>
8.	\$ .	<span style="border: 1px solid black; padding: 2px 10px; display: inline-block; text-align: center;">/ /</span>
9.	\$ .	<span style="border: 1px solid black; padding: 2px 10px; display: inline-block; text-align: center;">/ /</span>
10.	\$ .	<span style="border: 1px solid black; padding: 2px 10px; display: inline-block; text-align: center;">/ /</span>
11.	\$ .	<span style="border: 1px solid black; padding: 2px 10px; display: inline-block; text-align: center;">/ /</span>
12.	\$ .	<span style="border: 1px solid black; padding: 2px 10px; display: inline-block; text-align: center;">/ /</span>

**3. Rent that becomes due (L1 Applications only):**

The tenant also agrees to pay the landlord the rent that becomes due until the full amount owing in section 1 has been paid. These payments are in addition to the payments in section 2. (Attach additional sheet if agreeing to the rent being paid on alternate dates.)

The rent is due on the \_\_\_\_\_ day of each  month  week  other (specify) \_\_\_\_\_

The current rent is \$ \_\_\_\_\_ . per  month  week  other (specify) \_\_\_\_\_

**4. Failure to make a payment:**

**For L1 and L9 Applications:**

If the landlord claims that the tenant failed to make any agreed payment in full and on time, the landlord may ask the Board to re-open the application and hold a hearing. This request must be made by the landlord within 30 days of the tenant's failure to make a payment in full and on time.

**For L1 Applications (optional):**

If the landlord claims that the tenant has failed to make any agreed payment in full and on time, the landlord may file a new (L4) application with the Board for an order terminating the tenancy and evicting the tenant. The new application must be made by the landlord within 30 days of the tenant's failure to make a payment in full and on time. The Board does not charge a filing fee for this type of application.

**Important note to tenants:**

If you agree to this option, the landlord does not have to tell you before they file the new application. If the Board accepts the landlord's application, it will send an eviction order to both parties without hearing from you.  
**Tenant:** if you agree to include this term, initial here: \_\_\_\_\_

_____	_____	_____
Name of Tenant	Signature	Date
_____	_____	_____
Name of Tenant	Signature	Date
_____	_____	_____
Name of Landlord/Representative	Signature	Date
_____	_____	_____
Name of Landlord/Representative	Signature	Date

*(If there are more names than spaces, put them below, using the same format.)*

**OFFICE USE ONLY:**

Delivery Method:  In Person  Mail  Courier  Email  Efile  Fax MS  FL