

N5 NOTICE

Notice to End Your Tenancy for Interfering with Others, Damage, or Overcrowding

What is an N5 Notice?

- The N5 is a legal notice that could lead to you being evicted from your rental unit.
- You may have received an N5 Notice due to one or more of the following reasons:

Reason 1: Interfering with Others

If your actions or the actions of someone you allowed into your unit are disturbing other tenants or the landlord, like making a lot of noise or being aggressive.

Reason 2: Disturbance

If you or someone you allowed into your unit have caused damage to the property beyond normal wear and tear.

Reason 3: Overcrowding

If you have more people living in the unit than is allowed by health, safety or housing standards.

WHAT YOU CAN DO

1. REVIEW THE N5 NOTICE

Make sure the N5 Notice is filled out entirely and correctly. It should include:

- Details of the issue(s)
- The date the N5 Notice was given
- The date by which you need to correct the problem if it is your first N5 Notice in the last 6 months.

2. CORRECT THE ISSUE

If you are receiving the N5 Notice for the first time within six months, you have 7 days to fix the issues and have the notice canceled or voided. You can take the following actions:

Interference:

Stop the behavior that is causing the disturbance.

Damage:

Repair the damage or arrange for repairs.

You can also see our *Tenant Tip Sheet: Repairs & Maintenance* to learn more about your rights.

Overcrowding:

Reduce the number of occupants to comply with legal limits.

Keep records or proof that you have fixed the problem(s), like receipts for repairs or written confirmation from your landlord.

3. IF YOU CORRECT THE ISSUE

If you fix the problem within 7 days, your tenancy will continue as usual. The N5 Notice will not lead to your eviction.

4. IF YOU DO NOT CORRECT THE ISSUE

If the issue is not fixed within 7 days, your landlord can apply to the Landlord and Tenant Board (LTB) to evict you.

5. IF YOU RECEIVE A SECOND N5 NOTICE: NO SECOND CHANCES

If you receive another N5 Notice for the same issue within 6 months, you will not have the opportunity to correct the problem. Your landlord can apply for eviction immediately.

Note: Your landlord cannot give you a second N5 Notice unless at least 7 days have passed since the first N5 Notice was given.

6. COMMUNICATE WITH YOUR LANDLORD

Talk to your landlord to understand the specifics of the complaint and how you can resolve it.

The Landlord and Tenant Board (LTB) can dismiss your landlord's case if there are any problems with the notice that your landlord gave to you.

If you disagree with what the landlord has put on this notice, you don't have to move out by the termination date. Your landlord can apply to the LTB for your eviction. The LTB will schedule a hearing where you can explain why you disagree. You will receive a "Notice of Hearing" from the LTB.

If you move out of the rental unit by the termination date, your tenancy ends on that date. If you want to leave earlier than the termination date, you can give 10 days notice to end your tenancy by using LTB Form N9 (Tenant's Notice to End the Tenancy.)

IF YOU RECEIVE A NOTICE OF HEARING

If you receive a Notice of Hearing, you must attend the hearing. You should seek legal help immediately so that you can get help with gathering evidence and preparing for your hearing. If you fail to attend your hearing, a decision may be made without hearing your side of the case.

When you attend your hearing, you should tell the LTB if:

- you did not receive the N5 Notice at least 20 days before the termination date (the date that your landlord wants you to move out), or 14 days if this is not your first N5 in the last 6 months.
- The N5 Notice may also be dismissed if it lacks sufficient details about the reason for the eviction or if your landlord failed to check all important/related boxes.

Get **free** legal advice to see if your unit is covered under the RTA and how to enforce your rights by contacting:



450 Frederick St. #101, Kitchener ON N2H 2P5
Phone: 519-743-0254 or Online Contact Form found at: www.wrcls.ca

