



Order under Section 87(1)
Residential Tenancies Act, 2006

File Number: EAL-91839-20

In the matter of: APT 1, 886 WATSON STREET
OTTAWA ON K2B6B9

Between: Codreanu Popa Landlord

and

Dennis Backlund Tenant

Codreanu Popa (the 'Landlord') applied for an order to terminate the tenancy and evict Dennis Backlund (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard by way of a video conference on March 9, 2021. The Landlord's Legal Representative, A. Chan, attended the hearing on behalf of the Landlord. The Tenant attended the hearing, along with the Tenant's Legal Representative, M. Abramovitch.

Determinations:

1. The Tenant is in possession of the rental unit.
2. As of the date of the hearing, the Tenant had paid all outstanding arrears of rent to the Landlord. As such, the Landlord did not seek a termination of the tenancy but simply an order for the application filing fee.
3. The only dispute in this application pertains to the application filing fee.
4. The application was filed on September 23, 2020. The Landlord served the N4 Notice of Termination on August 26, 2020, after the Tenant only paid a portion of the rent owing for the month of August 2020.
5. The Tenant's Legal Representative submitted that the Tenant ought not to be responsible for reimbursing the Landlord for the application filing fee. The Tenant's Legal Representative submitted that the Tenant always paid his rent in installments throughout the month, and that there is an ongoing agreement between the parties over the years for the Tenant to pay the Landlord in installments. The Tenant has resided at the rental unit for almost twelve years.
6. The parties agree that the tenancy agreement states that the rent is owing on the first of every month. The Tenant testified that, while he usually paid the Landlord approximately

\$300.00 every week, he had failed to do so in the month of August 2020. The Tenant testified that he had made three payments to the Landlord in the month of August 2020 - \$400.00 on August 2nd, \$100.00 on August 8th, and \$600.00 on August 30th.

7. The usual approach of the Board regarding the issue of costs is set out in the Board's Interpretation Guideline 3 on Costs. It states, in part:

In most cases, the only costs allowed will be the application fee. This should be ordered if the applicant is successful in obtaining an order which allows the relief they asked for in the application, or substantially all of that relief.

8. In this case, the Landlord has established the Tenant was in arrears of rent at the time the application was filed. In the alternative, even if there is an implied agreement between the parties for the Tenant to pay his rent to the Landlord throughout the month in increments of \$300 every week, the Tenant agreed that he did not adhere to this schedule during the month of August 2020. In light of these circumstances, the Landlord is presumptively entitled to the relief that he sought. While the Board's Interpretation Guidelines are not binding upon me, I find no reason to depart from them in this instance. As such, I find that the Landlord is entitled to the application filing fee.
9. In light of the Tenant's lengthy tenancy and the fact that the Tenant had successfully paid all rent arrears to the Landlord in full as of the date of the hearing, I find that it would not be unfair to postpone the payment of the application filing fee to the Landlord to July 31, 2021, in order to give the Tenant some additional time to secure these funds.

It is ordered that:

1. The Tenant shall pay to the Landlord \$186.00 for the cost of filing the application.
2. If the Tenant does not pay the Landlord the full amount owing on or before July 31, 2021, the Tenant will start to owe interest. This will be simple interest calculated from August 1, 2021 at 2.00% annually on the balance outstanding.

June 15, 2021
Date Issued



Arnab Quadry
Member, Landlord and Tenant Board

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If you have any questions about this order, call 416-645-8080 or toll free at 1-888-332-3234.