



**Order under Section 69
Residential Tenancies Act, 2006**

Citation: Bashkim David Lekaj v Chelsea Barlow, 2023 ONLTB 41381

Date: 2023-06-07

File Number: LTB-L-079495-22

In the matter of: upper, 54 LOUIS ST
PORT COLBORNE ON L3K1C5

Between: Bashkim David Lekaj Landlords
Robert Harper

And

Chelsea Barlow Tenant

Bashkim David Lekaj and Robert Harper (the 'Landlords') applied for an order to terminate the tenancy and evict Chelsea Barlow (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard by videoconference on May 25, 2023.

The Landlord, Bashkim David Lekaj, and the Tenant attended the hearing. The Tenant spoke with Tenant Duty Counsel on the hearing date.

Determinations:

1. The Landlord served the Tenant with a valid Notice to End Tenancy Early for Non-payment of Rent (N4 Notice). The Tenant did not void the notice by paying the amount of rent arrears owing by the termination date in the N4 Notice or before the date the application was filed.
2. The Tenant was in possession of the rental unit on the date the application was filed.
3. The parties agreed that the only amount outstanding is the Landlord's application filing fee cost of \$186.00.
4. The Tenant disputed the filing fee on the basis that they already have other court fines to pay and they are a single mother and a student and they generally pay their rent on good terms by paying several months at a time in advance. Also, because the Tenant indicated that she has started a claim against the Landlord for harassment.

5. The Tenant confirmed at the hearing that they paid their rent outstanding to the Landlord around midnight on December 30th. The Landlord agrees. The payment also covered the rent for January of 2023.
6. Since there is no dispute that the Tenant owed rent arrears as of the time the Landlords filed their L1 application, which was just after 11pm on December 19th, I find that the Tenant is obligated to pay the Landlord for the application filing fee costs.

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7. The Landlords incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.

It is ordered that:

1. The Tenant shall pay to the Landlords \$186.00 for the application filing fee costs.
2. If the Tenant does not pay the Landlords the full amount owing on or before June 30, 2023, the Tenant will start to owe interest. This will be simple interest calculated from July 1, 2023 at 6.00% annually on the balance outstanding.

June 7, 2023

Date Issued

Terri van Huisstede
Member, Landlord and Tenant Board

15 Grosvenor St, Ground Floor Toronto ON M7A 2G6

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

