



## Order under Section 69 Residential Tenancies Act, 2006

**Citation:** Nguyen v Zariada, 2024 ONLTB 54556

**Date:** 2024-07-17


**File Number:** LTB-L-008650-24

**In the matter of:** BASEMENT, 84 BAMFORD CRES  
NORTH YORK ON M3N1T8

**Between:** Thi Quynh Huong Nguyen

**And**

Alona Zariada  
Mokhammad Amin Afshari Esfidvadhani

I hereby certify this is a  
true copy of an Order dated  
**JULY 17, 2024**  
  
Landlord and Tenant Board

Landlord

Tenant

Thi Quynh Huong Nguyen (the 'Landlord') applied for an order to terminate the tenancy and evict Alona Zariada and Mokhammad Amin Afshari Esfidvadhani (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard by videoconference on June 3, 2024.

The Landlord and Landlord's Legal Representative, Lorrie Mccullough, and the Tenant, Alona Zariada, attended the hearing.

### Preliminary Issue – Translation Issues:

1. The Tenant is not a fluent English speaker. The Tenant sought to find a translator prior to the hearing. However, the Tenant was unable to secure one prior to the hearing.
2. As the language the Tenant spoke was not an official language of Canada, there was no inherent right to an adjournment or to a translator.
3. To assist with the Tenant's language difficulties, I spoke in a slower fashion so that it would be easier for her to understand.

### Determinations:

4. 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.
5. As of the hearing date, the Tenant was still in possession of the rental unit.
6. The lawful rent is \$1,896.25. It is due on the day day of each month.

7. Based on the Monthly rent, the daily rent/compensation is \$62.34. This amount is calculated as follows: \$1,896.25 x 12, divided by 365 days.
8. The Tenant has made any payments since the application was filed \$1,896.25.
9. There are no rent arrears owing to June 30, 2024.
10. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.

#### *Submissions*

11. The Landlord requested repayment of the filing fee. The Landlord submitted that they incurred costs to file the application. The Landlord requested order delayed for 30 days before interest begins to accrue.
12. The Tenant submitted that she should not have to pay the filing fee. The Tenant has experienced some financial difficulties as of late and so had trouble paying the rent. However, there were no arrears, so the Tenant did not believe she should have to pay the filing fee.

#### *Analysis*

13. There is no dispute that the Tenant was late paying the rent. Nor was there any dispute that there were arrears which allowed the Landlord to file an application. In light of these facts, it is entirely reasonable for the Landlord to bring forward an application to enforce their legal right to the arrears. In accordance with LTB Interpretation Guideline 3 on Costs, typically, where a Landlord is successful in their application, costs are awarded.
14. In this case, I see no need to deviate from the Board guidelines. The Landlord shall be entitled to the filing fee of \$186.00.
15. In light of the Tenant's submissions with regard to her financial difficulties, I grant the Tenant relief. I do this by extending the period before which interest will begin to accrue.

#### **It is ordered that:**

1. The Tenant shall pay the Landlord \$186.00 the cost of filing the application.
2. If the Tenant does not pay the Landlord the full amount owing on or before December 31, 2024, the Tenant will start to owe interest. This will be simple interest calculated from January 1, 2025 at 7.00% annually on the balance outstanding.

**July 17, 2024**  
**Date Issued**

  
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**Henry Yeung**  
Member, Landlord and Tenant Board

15 Grosvenor Street, 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.