



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

File Number: LTB-L-100250-25

In the matter of: 23 HAVERHILL TERR
AURORA ON L4G7R7

Between: MASOUMEH ALIKHANI Landlord

And

GIANMARCO DI LUCIANO Tenant

MASOUMEH ALIKHANI (the 'Landlord') applied for an order to terminate the tenancy and evict GIANMARCO DI LUCIANO (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

A hearing was held by videoconference on January 5, 2026.

The Landlord and the Tenant attended the hearing.

Determinations:

1. For the reasons that follow, the Tenant shall pay to the Landlord \$186.00 which represents the Landlord's cost of filing the application, on or before March 16, 2026.
2. On November 28, 2025, the Landlord filed the L1 application claiming the same amount of rent arrears owed as the N4 of \$3,700.00 which represents the rent for November 2025.
3. As of the hearing date, the parties confirm that on December 20, 2025, this amount was paid by the Tenant – after the application was filed.
4. The Tenant submits that he was incarcerated when the N4 was served and it only came to his attention on December 13, 2025 when he was released. He testified that while he did not have the funds to pay this amount, he took a loan to pay the Landlord. The Tenant does not believe he should be liable for this amount but submits if required, he can pay it off in the standard eleven-day period.
5. I do not find the Tenant to be truthful in his assertion that he did not know about the rent arrears. I say this because I am satisfied from the Landlord's evidence that the N4 was served to him by sending it to the facility. If I am wrong in this regard, then I still find he was aware of the outstanding November rent because the Tenant is aware that he has

been court-ordered to meet his obligations which include paying the rent for the rental unit where the occupant now resides.

6. Looking at the *Residential Tenancies Act, 2006*, in the context of arrears applications, section 74(2) is instructive. It says that if a tenant pays all of the rent owing and the landlord's cost of filing the application, then an arrears application is "discontinued". This provision lends support to the conclusion that it is the normal expectation that in arrears situations a tenant will be required to reimburse the landlord its cost of filing the application.

7. The Board's Guideline # 3 entitled Costs says:

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. Rule 27.1 of the Board's Rules mirrors this statement in the Guideline. It says:

If the applicant is successful, the LTB may order the respondent to pay the application fee to the applicant as "costs".

9. Given the above I believe the Board should normally award the Landlord its cost of filing a non-payment of rent application where the tenant is found to be in arrears as of the date the application was filed. There is no dispute that is the situation here and so I find it appropriate to grant the Landlord's request for this amount.
10. This order contains all of the reasons for the decision within it. No further reasons shall be issued.

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 March 16, 2026, the Tenant will start to owe interest. This will be simple interest calculated from March 17, 2026 at 4.00% annually on the balance outstanding.

March 5, 2026
Date Issued

Sonia Anwar-Ali
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.