



Policy Number: 12-001
Subject: Costs
Chapter: Recovery of Costs

Legislation	s. 47.(1)(q)
Definitions	Costs: compensation for the payment of legal fees and expenses.
Purpose	The purpose of this policy is to provide guidance on what costs may be claimed on an application, and how an adjudicator would determine what costs may be awarded.
Policy	<p>Section 47.(1)(q) of the Residential Tenancies Act, 2018 grants the director the authority to order “an unsuccessful party to an application to the pay costs to a successful party to an application”.</p> <p>In general, claimable costs may include the following:</p> <ol style="list-style-type: none">a) The \$20.00 filing feeb) The costs incurred in the in preparation for a hearing, such as:<ul style="list-style-type: none">• Developing photographs• Photocopying documents• Purchase of USB drives• Telefaxing documentsc) The costs incurred in serving the other party with the application or with the evidence, or serving a witness with a subpoena, such as:<ul style="list-style-type: none">• Process server• Registered mail or Xpresspost• Courier fees• Compensation for the applicant’s time or mileage in carrying out the service personallyd) Fees paid to subpoenaed witnessese) The costs of having an Order of Possession enforced after the hearingf) The costs incurred in hiring a lawyer to assist a party in the preparation for, or representation at, the hearing.



Where a party makes a claim for costs, those costs must be identified and itemized on an Application for Dispute Resolution. As in any claim for compensation, the applicant must establish, on the balance of probabilities, that they had incurred the costs which are claimed, and that they are entitled to be compensated. To establish entitlement to an award for costs, the claimant is required to present receipts for any costs claimed, and the claimant would be required to present reasons as to why they are entitled to compensation. The respondent shall be granted the opportunity to examine any submitted receipts, and shall have the opportunity to present a response to the claim for costs, including cross-examination.

In determining whether a party's claim for costs should succeed, it is to be borne in mind that the dispute resolution process provided in the Residential Tenancies Act, 2018 is intended to be a quick and inexpensive way for landlords and tenants to resolve disputes without having to enter into expensive and lengthy court proceedings. The only cost an applicant is required to expend is the \$20.00 filing fee. Additionally, in most cases, the participants in the dispute resolution process will be self-represented. Concerns about large costs awards should not deter an applicant, acting in good faith, from bringing an Application for Dispute Resolution.

As a general rule, the \$20.00 filing fee, should, in most cases, be awarded to the successful party.

With respect to the other costs that may be incurred in preparing for the hearing, incurred in serving the application and the evidence, and the costs of paying witnesses, these awards are made at the discretion of the adjudicator. In exercising their discretion to award these costs, or a portion of these costs, the adjudicator should take into consideration some of the following factors:

- Was there a difference in the amount awarded and the amount claimed?
- If the applicant requested that numerous items be adjudicated, was the applicant successful in all of them, or only some?
- Were the costs incurred necessary? Could the applicant have mitigated the costs?
- Was the applicant partly responsible for the dispute?
- How complex or lengthy was the proceeding? Could it have been simplified, or shorter?
- Was there a counterclaim? How much of the



	<p>counterclaimant’s application was successful?</p> <ul style="list-style-type: none"> • Are the costs claimed proportional to the award received? <p>A costs award may also be used to penalize a party, or to deter them from engaging in unreasonable conduct, which may include:</p> <ul style="list-style-type: none"> • Making an application that is vexatious or frivolous, or made in bad faith, • Failing to follow the instructions of the adjudicator, or disrupting the hearing, • Acting contemptuously towards the adjudicator or failing to show respect for the dispute resolution process, • Engaging in conduct which delays the proceeding, or which is irrelevant or unnecessary, • Maligning another party or unreasonably slurring another party’s character, • Providing deliberately misleading or untrue statements at the hearing. <p>With respect to the costs of hiring a lawyer to prepare for the hearing, or to represent a party at a hearing, those costs, or a portion of those costs, should only be awarded where it is found that the other party has engaged in unreasonable conduct, as outlined above.</p> <p>In cases where the successful party’s conduct was unreasonable or disruptive, as outlined here, that party’s costs should not be awarded.</p> <p>Where an adjudicator contemplates making a costs award, or contemplates denying a costs award, because of the unreasonable conduct of a party, that adjudicator should first warn the party of those consequences if their misconduct continues.</p>
<p>Procedure Overview</p>	<p>The following fees are prescribed by the minister:</p> <p><u>Fee for Application for Dispute Resolution:</u> \$20.00</p> <p><u>Witness Fee:</u> For every witness subpoenaed there shall be allowed:</p> <ul style="list-style-type: none"> • the sum of \$100.00 per day if the witness testified as an expert witness or in the matter pertaining to his or her profession, trade or calling, and • \$50.00 per day for every other witness



	<p>Where a party is claiming the costs of personally serving the application on the other party, they may claim up to \$25.00.</p> <p>Where an adjudicator awards the costs of having an Order of Possession enforced, that award should be clearly identified on the Order of Director as a separate line item, and it should read:</p> <p style="padding-left: 40px;">The tenant shall pay to the landlord any costs charged to the landlord by the Office of the High Sheriff should the landlord be required to have the Sheriff enforce the attached Order of Possession.</p>
Forms & Form Letters	
X-Reference	
Policy Developed	September, 2000
Last Revision	January, 2002 April, 2024
Other Resources	