



**Order under Section 88.2  
Residential Tenancies Act, 2006**

**File Number:** LTB-L-030583-25

**In the matter of:** Unit B, 145 AINSLIE ST N  
CAMBRIDGE ON N1R3P4

**Between:** DE GREENS FAMILY HOLDING CORP. Landlord

**And**

Matthew Barrett Tenant

DE GREENS FAMILY HOLDING CORP. (the 'Landlord') applied for an order requiring Matthew Barrett (the 'Tenant') to pay the Landlord's reasonable out-of-pocket expenses that are the result of the Tenant's failure to pay utility costs they were required to pay under the terms of the tenancy agreement.

This application was heard by videoconference on September 17, 2025.

The Landlord's Agent Marie Green and the Tenant attended the hearing.

**Preliminary Issue:**

1. Upon review of the filing date of this application it was discovered that the Tenant had vacated the rental unit on April 11, 2025, the same day this application was filed.
2. As set out in section 88.2 of the Residential Tenancies Act, 2006 (RTA):
  - An application for an order to recover arrears of rent or other amounts under this Part shall be made while the tenant is still in possession of the rental unit.
  - This provision clearly requires that the Tenant be occupying the unit at the time the application is filed.
3. Because the Tenant had already vacated by the time of filing, the Landlord's use of an L2 Application to End a Tenancy and Evict a Tenant or Collect Money was improper under the *Residential Tenancies Act*.
4. The appropriate remedy for pursuing outstanding utility claims against a former tenant is provided in section 87/89 of *Residential Tenancies Act*.

- A landlord may apply to the Board for an order requiring a tenant or former tenant to pay any arrears of rent or compensation under this Act within one year after the end of a tenancy.
  - This correctly identifies the L10 Application to Collect Money a Former Tenant Owes as the procedural vehicle available to the Landlord.
5. For these reasons, the application is dismissed without prejudice. The Landlord may file an L10 Application within the statutory time frame if they wish to pursue any monetary claims against the former tenant for arrears, outstanding utility costs or damages.

**It is ordered that:**

1. The Landlord's application is dismissed.

**January 6, 2026**

**Date Issued**

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**Anthony Bruno**

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.