



**Order under Section 135
Residential Tenancies Act, 2006**

File Number: LTB-T-028003-25

In the matter of: 59 TREFUSIS ST
Cobourg ON L1A4J2

Between: Bradley Spencer Tenant

And

Christopher Willis Landlord

Bradley Spencer (the 'Tenant') applied for an order determining that Christopher Willis (the 'Landlord') collected or retained money illegally.

This application was heard by videoconference on January 12, 2026.

Only the Landlord attended the hearing.

As of 10:14 a.m., the Landlord was not present or represented at the hearing although properly served with notice of this hearing by the LTB. There was no record of a request to adjourn the hearing. As a result, the hearing proceeded with only the Tenant's evidence.

Determinations:

Amendment Granted

1. The Tenant requested an amendment to the application as he did not indicate any remedies. The Tenant amended the application to include monetary claims of \$7,972.00 for a rent deposit, and \$403.58 for the interest on the rent deposit. The Tenant served the amended application in person to the Tenant and in an email, on January 4, 2026.
2. Pursuant to Rule 15, the requested amendment is granted. It is appropriate and necessary, not prejudicial to the Landlord, and filed in a timely manner.

T1 Application

3. As explained below, due to the time limitations as set out under section 135(4) of the *Residential Tenancies Act, 2006* (the 'Act'), the Tenant was out of time to file the application. For those reasons, the application is dismissed.

4. The Tenant testified that he entered a 12-month fix term lease that was to begin on November 1, 2023. The Tenant provided a copy of the lease agreement which indicates the rent would be \$3,986.00 per month, and that a \$7,972.00 deposit for first and last month was required.
5. The Tenant testified that on September 5, 2023, he gave to the Landlord the first and last month's deposit in the amount of \$7,972.00. The Tenant provided a copy of the EMT transfer confirming the first and last month's rent deposit was sent to the Landlord.
6. However, the rental unit was not ready for occupancy on November 1, 2023, due to ongoing renovations. The Landlord kept delaying the date the Tenant could move in, until finally on March 27, 2024, the Tenant advised the Landlord that he was not going to be taking the rental unit and would be looking for another place. The Landlord was in agreement, and in a text message provided by the Tenant dated March 27, 2024, the Landlord said to the Tenant, "You will have all your funds before April 15. I will write you a cheque".
7. From that time, until the Tenant filed a T1 application on April 3, 2025, ongoing text messages between the Landlord and the Tenant show that on various occasions the Landlord acknowledged he owed the Tenant the money, promised to pay by a certain date, but never followed through with the payment.

Analysis

8. Section 107(1) of the Act states that:

A landlord shall repay the amount received as a rent deposit in respect to a rental unit if vacant possession of the rental unit is not given to the prospective tenant.

9. Section 135(4) of the Act states that:

No order shall be made under this section with respect to an application filed more than one year after the person collected or retained money in contravention of this Act or the *Tenant Protection Act, 1997*. 2006, c. 17, s. 135 (4).

10. I find that on March 27, 2024, it became clear that the Tenant was no longer going to rent the unit, and that the Landlord was no longer entitled to hold the money collected. The time limitations as set out in s. 135(4) of the Act would have begun running on this date.
11. The application was filed on April 3, 2025, more than one year after the money was collected illegally which means the Tenant was too late in filing the T1 application. The Tenant is out of time. I have no jurisdiction to order the Landlord to return the rent deposit and interest on the rent deposit to the Tenant. I also have no authority to extend the timeline as set out under 135(4) of the Act.
12. For these reasons, the T1 application is dismissed.

It is ordered that:

1. The T1 application is dismissed.

January 20, 2026
Date Issued

Paula West Oreskovich
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.