



Order under Section 135 Residential Tenancies Act, 2006

File Number: LTB-T-052997-25

In the matter of: 405, 699 NIAGARA STREET
WELLAND ON L3C 0J5

Between: Susana Espinosa Tenant

and

Johanne Carter
DMS Property Management Ltd Landlords

Susana Espinosa (the 'Tenant') applied for an order determining that Johanne Carter and DMS Property Management Ltd (the 'Landlord') collected or retained money illegally.

This application was heard by videoconference on November 26, 2025.

The Tenant, the Landlord's agent Bahi Kandiah and the Landlord's legal representative David Ciobotaru attended the hearing.

Determinations:

1. The Tenant applies to recover rent she paid for the period May 1, 2025 to May 31, 2025. She alleges the Landlord retains this money illegally because the Tenant had given the Landlord an N15 notice of termination on June 5, 2025 appointing April 30, 2025 as the date of termination under section 47.1 of the *Residential Tenancies Act, 2006* (the 'Act').
2. The Tenant's N15 notice is incapable of terminating her tenancy because it was not accompanied by the disclosure required by clause 47.1(4)(e). It is also incapable of terminating the tenancy because the Tenant did not vacate the rental unit by the date appointed in the N15. It is also incapable of terminating the tenancy because it was not given to the Landlord 28 days before the date of termination as required by subsection 47.1(3) of the Act.
3. The Tenant did not disclose any other reason why she should not be liable for the rent charged for the month of May 2025.
4. Therefore, the application must be dismissed because it discloses no reasonable cause of action.

It is ordered that:

1. The application is dismissed.

January 22, 2026

Date Issued

Nersi Makki

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.