



Order under Section 135 Residential Tenancies Act, 2006

Citation: Tam v Lupo, 2026 ONLTB 7320

Date: 2026-01-27

File Number: LTB-T-048654-25

In the matter of: 173 WISHING WELL DR
SCARBOROUGH ON M1T1K3

Between: Michael Tam Tenant

And

Michael Lupo Landlord

Michael Tam (the 'Tenant') applied for an order determining that Michael Lupo (the 'Landlord') collected or retained money illegally.

This application was heard by videoconference on January 19, 2026.

The Landlord and the Tenant attended the hearing.

Determinations:

1. As explained below, the Tenant proved the allegations contained in the application on a balance of probabilities. Therefore, the Landlord must pay the Tenant \$1,768.00 on or before February 7, 2026.
2. The Landlord gave the Tenant a notice of termination under section 50 of the *Residential Tenancies Act, 2006* (the 'Act') and did not pay the Tenant the compensation required by the Act.
3. The Landlord acknowledged that they served an N13 Notice of Termination ("N13") on the Tenant, and did not pay the Tenant compensation pursuant to that N13. The Landlord further acknowledged that \$1,720.00 was equal to one month's rent at the end of the tenancy.
4. The Landlord testified that they had simply forgotten to pay compensation to the Tenant, and the Tenant had not asked the Landlord for it.
5. When asked whether there was any reason why this amount should not be ordered, the Landlord pointed to the Tenant owing the Landlord the difference between their last month rent deposit, and the higher rent amount that was in effect at the time the tenancy ended.

Given that there is no application before me with respect to rent arrears, without consent of the parties, I find it would be inappropriate to account for this amount in my order.

6. Given the acknowledgements of the Landlord, I find the Tenant is owed the sum of \$1,720.00, being equivalent to one month's rent, for compensation related to the N13 served by the Landlord on the Tenant that was not previously paid.
7. The Tenant paid \$48.00 to file this application and is also entitled to reimbursement of those costs.

It is ordered that:

1. The total amount the Landlord shall pay the Tenant is \$1,768.00. This amount represents:
 - \$1,720.00 for the compensation owing.
 - \$48.00 for the cost of filing the application.
2. The Landlord shall pay the Tenant the full amount owing by February 7, 2026.
3. If the Landlord does not pay the Tenant the full amount owing by February 7, 2026, the Landlord will owe interest. This will be simple interest calculated from February 8, 2026 at 4.00% annually on the balance outstanding.
4. The Tenant has the right, at any time, to collect the full amount owing or any balance outstanding under this order.

January 27, 2026

Date Issued

Benjamin Seigel

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.