



Order under Section 135 Residential Tenancies Act, 2006

File Number: LTB-T-003294-25

In the matter of: 132 Ironwood Rd
Guelph ON N1G3R4

Between: Matthew Park Tenant

And

Gryphon Property Management Landlord

Matthew Park (the 'Tenant') applied for an order determining that Gryphon Property Management (the 'Landlord') collected or retained money illegally.

This application was heard by videoconference on July 30, 2025.

Only the Tenant attended the hearing.

As of 10:03am, 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:

1. As explained below, the Tenant proved some of the allegations contained in the application on a balance of probabilities. The Board does not have jurisdiction to consider the claim for excess rent because it was filed outside of the one-year limitation period in section 135 of the *Residential Tenancies Act, 2006* (the 'Act'). However, the Tenant has proven that the Landlord failed to pay interest on the last month's rent deposit.

Illegal rent collected

2. Subsection 135(1) of the Act states: A tenant or former tenant of a rental unit may apply to the Board for an order that the landlord, superintendent or agent of the landlord pay to the tenant any money the person collected or retained in contravention of this Act or the *Tenant Protection Act, 1997*.

3. In addition, subsection 135(4) of the Act states:

Time limitation

(4) 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.

4. The Tenant's application was filed more than one-year after the Landlord allegedly collected or retained money illegally for this reason and as such, the Board does not have jurisdiction to consider this part of the application pursuant to subsection 135(4) of the Act. This part of the application must be dismissed.

Interest on last month's rent deposit

5. On the application form the Tenant checked off Reason 3 ("The landlord did not use my last month's rent deposit to pay for the last rental period of the tenancy and did not return the deposit to me"), but in the explanation section he wrote that none of the tenants received any interest on the last month's rent deposit and described the deposit amounts for each contract year. At the hearing, the Tenant confirmed that under Reason 3 he is seeking interest on the last month's rent deposit, not repayment of the deposit itself, and I treated the application as amended accordingly.
6. The evidence shows that the tenancy ran from May 1, 2022 to April 30, 2024. The Tenant paid a last month's rent deposit at the outset and, when the rent increased for the second year, he topped up the deposit so that by the final year of the tenancy the last month's rent deposit was \$717.50.
7. The Tenant testified that he paid the last month's rent deposit on or about February 3, 2022, and that at no time during the tenancy did the Landlord pay or credit any interest on that deposit. I accept this uncontradicted evidence.
8. Based on the uncontested evidence before me, I find that the Landlord failed to pay the Tenant interest on the last month's rent deposit, as required by the *Residential Tenancies Act, 2006* (the 'Act') and that the amount owing is \$31.53.

It is ordered that:

1. The total amount the Landlord shall pay the Tenant is \$79.53. This amount represents:
 - \$31.53 for interest on the last month's rent deposit.
 - \$48.00 for the cost of filing the application.
2. The Landlord shall pay the Tenant the full amount owing by January 31, 2026.
3. If the Landlord does not pay the Tenant the full amount owing by January 31, 2026, the Landlord will owe interest. This will be simple interest calculated from February 1, 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 20, 2026

Date Issued

Colin Elsby

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.