



Order under Section 135 Residential Tenancies Act, 2006

Citation: Marshall v Levesque, 2026 ONLTB 8386

Date: 2026-01-29

File Number: LTB-T-033108-25

In the matter of: 203 Tapley place
Ottawa ON K4A0L2

Between: Tara-Lynn Karen Marshall Tenants
Scott Edward Marshall

And

Marc Levesque Landlord

Tara-Lynn Karen Marshall and Scott Edward Marshall (the 'Tenants') applied for an order determining that Marc Levesque (the 'Landlord') collected or retained money illegally.

This application was heard by videoconference on November 10, 2025.

The Landlord and the Tenants attended the hearing. The Tenants declined to speak with Tenant Duty Counsel ahead of the hearing.

Determinations:

1. As explained below, the Tenants did not prove the allegations contained in the application on a balance of probabilities. Therefore, the application is dismissed.
2. The Landlord did not collect rent in excess of the amount allowed by the *Residential Tenancies Act, 2006* (the 'Act').
3. The Tenant Scott Marshall testified that the Landlord increased the rent for their rental unit from \$1,630.00 to \$1,900.00 on May 1, 2020, and required the Tenants to sign a new lease reflecting this increased amount of rent, despite the fact that they were already tenants of the rental unit. The Tenants paid the higher amount demanded by the Landlord.
4. This increase was not lawful at the time it was made, as it was unauthorized above-guideline increases.
5. However, the increase is deemed lawful pursuant to subsection 136(2) of the *Residential Tenancies Act, 2006* (the 'Act'). This section deems increases of rent to be lawful if a Tenant does not file an application with the Board within one year after the date the

increase was first charged, and the lawfulness of the rent increase is in issue in the application.

6. The Tenants did not file this application within one year of the increase. They filed the application on April 22, 2025.
7. The Board does not have the discretion to waive, modify, or otherwise extend the 12-month limitation period for bringing an application under section 135: see *O. Reg. 516/06: General*, s. 56.
8. Therefore, by operation of subsection 136(2), the rent increases are deemed to have been lawful and the Tenants' claim that excess rent was paid must be dismissed.

It is ordered that:

1. The Tenants' application is dismissed.

January 29, 2026

Date Issued

Jeremy Henderson

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.