



Order under Section 135 Residential Tenancies Act, 2006

File Number: LTB-T-075345-25

In the matter of: 1007 Zion Road
Little Britain Ontario K0M2C0

Between: Ian Ruckenstein Tenants
Julia Ray

And

Phil Eades Landlord

Ian Ruckenstein and Julia Ray (the 'Tenants') applied for an order determining that Phil Eades (the 'Landlord') collected or retained money illegally.

This application was heard by videoconference on January 21, 2026.

The Landlord and the Tenants attended the hearing. The Tenants were represented by legal counsel, Drew Maharaj.

Determinations:

1. As explained below, the Board cannot consider the Tenant's claim that the Landlord collected rent in excess of the amount allowed by the *Residential Tenancies Act, 2006* (the 'Act') or unlawfully retain the Tenant's last month's rent deposit (LMR) because the application was not filed in time. Therefore, the application is dismissed.
2. The parties signed a tenancy agreement on September 3, 2021. The agreement was to lease a loft on the third floor of a barn on the Landlord's property. The unit was not habitable at the time the lease was signed and the Tenants not only gave the Landlord a pre-payment towards rent they also invested their labour in renovating the unit and making it habitable.
3. The Tenants paid the Landlord a total of \$9927 in the following installments: September 3, 2021 \$625.00; October 16, 2021 \$930; October 20, 2021 \$472.00; November 9, 2021 \$4000.00 and November 23, 2021 \$3900.00.
4. The rental unit was to be completed on November 1, 2021; however, the agreement provided that if the loft was not ready by February 1, 2022, at the latest, that the Tenants had the right to declare the lease void and that the Landlord would be required to repay the total amount of the pre-paid rent/LMR by February 2023.

5. The Tenants never took possession of the rental unit and the Landlord did not re-pay the \$9930.00.
6. The Tenants commenced a Small Claims Court action on March 29, 2023 for return of the funds advanced to the Landlord.
7. Settlement conference in the Small Claims court litigation took place in February and April 2024. A further attendance to set a trial date took place on March 26, 2025 and it was determined that the trial would take place after July 31, 2025. A trial date has yet to be set.
8. Subject to the Small Claims Court attendances, the Tenants received legal advice that the claim for the return of the LMR should have been made before the LTB. The Tenants then commenced this application on August 21, 2025.
9. This application was filed under section 135 of the *Residential Tenancies Act, 2006* (the 'Act'). Subsection 135(4) states:

(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*.
10. The Tenants failed to commence this application for return of the funds held by the Landlord within one year of the date they were collected as is required by 135(4)). The last date the Tenant made a payment to the Landlord was November 23, 2021 but this application was not filed until August 21, 2025.
11. Counsel for the Tenants conceded that the Tenants commenced their application outside the statutory limitation period; however, he asked that I exercise my discretion under Rule A4 (1.4 and 1.6) to extend the time for filing.
12. The Board does not have the authority or discretion to extend the limitation period contained in section 135(4) of the Act for filing this type of application.
13. Section 190 of the Act states:

190 (1) The Board may extend or shorten the time requirements related to making an application under section 126, subsection 159 (2) or section 226 in accordance with the Rules.

(2) The Board may extend or shorten the time requirements with respect to any matter in its proceedings, **other than the prescribed time requirements**, in accordance with the Rules.
14. Section 56 of O.Reg 516/06 under the Act states:

56. The following are time requirements that the Board **may not extend** or shorten under subsection 190 (2) of the Act:

 1. All time requirements related to notice requirements for terminating tenancies.

2. **All deadlines for filing applications**, other than those which the Board is expressly permitted to extend or shorten under subsection 190 (1) of the Act.

[emphasis added]

15. As the deadline in question is for filing an application, the Board is expressly prohibited from extending the one-year deadline as per s.56 of O.Reg 516/06. The exception noted relating to subsection 190 (1) concerns applications for above guideline rent increases made under section 126 of the Act, and thus is not relevant for the purpose of this application.

It is ordered that:

1. The Tenants' application is dismissed.

January 28, 2026

Date Issued

Christina Budweth

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.