



Order under Section 21.2 of the Statutory Powers Procedure Act and the Residential Tenancies Act, 2006

Citation: Winter v Contreras, 2026 ONLTB 9650

Date: 2026-01-27

File Number: LTB-T-043775-25-RV

In the matter of: 39 TURNBERRY LANE
BARRIE ON L9J0M8

Between: Dara Winter Tenant

And

James Contreras Landlord
Anndy Contreras

Review Order

Dara Winter (the 'Tenant') applied for an order determining that James Contreras and Anndy Contreras (the 'Landlord') collected or retained money illegally.

This application was resolved by order LTB-T-043775-25 issued on December 17, 2025.

On January 25, 2026, the Landlord requested a review of the order.

A preliminary review of the review request was completed without a hearing.

Determinations:

Request to extend time

1. The Landlords' request to extend time to file this review request is granted.

Review request

2. The Landlords submit that the Member seriously erred by focusing on issues such as the condition of the unit and compensation rather than on the issue raised in the application, which was about an illegal rent deposit. The order notes that the Landlords argued that the Tenant and her pets damaged the unit but did not give any evidence to establish this damage and had not brought a claim against the Tenant for compensation for this alleged damage. These comments were not necessary but including them was not a serious error.
3. The Landlords also submit that as a result of the focus on the issue of the condition of the unit the hearing was not procedurally fair because they were not prepared to address

this issue. The condition of the unit was not a relevant issue and so it was not procedurally unfair that the Landlords could not address it at the hearing.

4. The Landlords submit that the Member seriously erred by grounding her order that the Landlords refund the pet deposit on a finding that the condition of the unit was satisfactory, which the Landlords submit was an unreasonable finding because it was not based on evidence. Although the Member did not need to address the issue of the unit condition at all in the order, she did so. This was not a serious error. This error was not material to the outcome of the proceedings. As pointed out in the order, the pet deposit was an illegal deposit because it was prohibited by the *Residential Tenancies Act, 2006* (the 'Act'). The order cites subs. 134(1) of the Act but this deposit is also illegal based on s.105 of the Act, which prohibits a landlord from collecting a security deposit (defined as money held as security for the performance of an obligation or to be returned to the tenant upon the happening of a condition) other than a last month's rent deposit. The pet deposit was a security deposit that is not a rent deposit and so it was illegal.
5. On the basis of the submissions made in the request, I am not satisfied that there is a serious error in the order or that a serious error occurred in the proceedings.

It is ordered that:

1. The request to review order LTB-T-043775-25 issued on December 17, 2025 is denied. The order is confirmed and remains unchanged.

January 27, 2026
Date Issued

Renée Lang
Vice Chair, 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.