



**Order under Section 135
Residential Tenancies Act, 2006**

File Number: LTB-T-039309-25

In the matter of: 1602, 2220 LAKE SHORE BLVD W
ETOBICOKE ON M8V0C1

Between: HALEY WILSON Tenants
MICHAEL WILSON

And

VIJENDRA KOTHARI Landlord

HALEY WILSON and MICHAEL WILSON (the 'Tenants') applied for an order determining that VIJENDRA KOTHARI (the 'Landlord') collected or retained money illegally.

This application was heard by videoconference on November 25, 2025.

Only the Tenants attended the hearing.

The Landlord signed into the start of the hearing block but left following mediation. As of 10:50 a.m., the Landlord had not signed back into the hearing block and there was no request for an adjournment. As such, I proceeded to hear this matter with only the Tenants' evidence.

Determinations:

1. The Tenants allege they paid the Landlord \$250.00 for a key deposit.
2. Subsection 134(1)(a) of the *Residential Tenancies Act, 2006* (the 'Act') reads as follows:

134 (1) Unless otherwise prescribed, no landlord shall, directly or indirectly, with respect to any rental unit,

- (a) collect or require or attempt to collect or require from a tenant, prospective tenant or former tenant of the rental unit a fee, premium, commission, bonus penalty, key deposit or other like amount of money whether or not the money is refundable;

3. Relatedly, paragraph 17(3) of the Ontario Regulation 516/06 provides:

17. The following payments are exempt from subsections 134 (1) and (3) of the Act:

...

3. Payment of a refundable key, remote entry device or card deposit, not greater than the expected directly replacement costs.

4. On April 24, 2025, Tenant Michael Wilson returned the keys to the rental unit to the Landlord. The Tenants vacated that same day. The Landlord, however, refused to return the key deposit and applied it to the Landlord costs for cleaning the unit.
5. I find, the Landlord has retained the key deposit unlawfully because once the keys are returned the Act requires the deposit that is refundable to be repaid as required by subsection 17(3) of O.Reg 516/06. The Landlord cannot apply the key deposit against out-of-pocket expenses the Landlord incurred. As such, the Landlord shall be ordered to pay the Tenants \$250.00 for the refundable key deposit.
6. The Tenants request an order imposing an administrative fine on the Landlord. The Board's Guideline 16 suggests that the purpose of a fine is to encourage compliance with the Act and to deter landlords from engaging in similar activities in the future. It goes on to say, "this remedy is most appropriate in cases where the landlord has shown a blatant disregard for the Act and other remedies will not provide adequate deterrence and compliance". I am of the view that the amount awarded in this order is sufficient to adequately deter the Landlord for similar activities in the future. Accordingly, an administrative fine will not be imposed.
7. The Tenants incurred costs of \$48.00 for the application filing fee and are entitled to reimbursement of this amount.

It is ordered that:

1. The total amount the Landlord shall pay the Tenant is \$ 298.00. This amount represents:
 - \$250.00 for the illegal charge collected.
 - \$48.00 for the cost of filing the application.
2. The Landlord shall pay the Tenant the full amount owing by February 17, 2026.
3. If the Landlord does not pay the Tenant the full amount owing by February 17, 2026, the Landlord will owe interest. This will be simple interest calculated from February 18, 2026, at 4.00% annually on the balance outstanding.

February 6, 2026
Date Issued

Douglas Malanka
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.