



Order under Section 135 Residential Tenancies Act, 2006

File Number: LTB-T-050043-25

In the matter of: Unit 2 (Upper), 356 DUPONT ST
TORONTO ON M5R1V9

Between: Ryan Magee Tenants
Jennifer Lynne Neill

And

Jacob Spiro Landlord

On June 17, 2025, Ryan Magee and Jennifer Lynne Neill (the 'Tenants') applied for an order determining that Jacob Spiro (the 'Landlord') collected or retained money illegally. (T1 application)

This T1 application was heard by videoconference on January 27, 2026.

The Tenants, the Tenants' Legal Representative, Marvin Dillon ('TTR'), the Landlord and the Landlord's Legal Representative, Moezzam Alvi, attended the hearing.

Determinations:

1. LLR raised a preliminary issue regarding the claims set out in the T1 application. He requested that the T1 application should be dismissed because none of the claims in the T1 belongs to or falls under section 135 of the *Residential Tenancies Act, 2006* (the 'Act'), but to sections 20 and 22 of the Act.
2. On behalf of the Tenants, TTR requested their T1 application be amended so that effectively a separate T2 application that TTR filed on January 20, 2026 would become a second application to the T1 application that could be heard together at this hearing.
3. TTR submitted that on January 20, 2026, he filed a request to amend the T1 application and filed a T2 application with the LTB, and served both on LLR that day. TTR stated the basis for filing the amendment came from LTB Rules 15 (Amending Applications) and 19 (Evidence and Disclosure).
4. TTR confirmed that the T2 application has not been filed as its own application with the LTB as of the date of this hearing.
5. LLR objected to the January 20, 2026 request to amend and combine. LLR submitted that the T2 application was never filed with the T1 application when it was filed, and by the

Tenants filing a fresh T2 application and asking for it be heard at this hearing would be in his words, “a trial by ambush”.

6. Both parties indicated there are a couple of Landlord applications being scheduled for hearings by the LTB, one being an L1 application (with possible section 82 claims) and the other an L2 application.
7. I enquired whether the tenancy between the parties is still active as both the T1 application and the ‘amended’ T1 application indicate. The parties agreed the tenancy ended in September 2025, but they could not agree upon which day in September 2025 it ended. The Tenants stated it was September 1, 2025 and the Landlord stated it was September 10, 2025.
8. I denied the Tenants’ request to amend the T1 application so as to allow the freshly filed T2 application be combined with the T1, for the following reasons.
9. I note there were no multiple applications filed when the T1 application was filed on June 17, 2025. After filing, the Tenants retained TTR and notified the LTB of this on July 9, 2025, so that TTR could be added to the case file and have access to the portal.
10. It was seven days before this scheduled hearing that the Tenants filed their request to amend (changing a discreet number of T1 remedies) and to request that a fresh T2 application that TTR had filed on that date be added to the case file number so as to have both the T1 and T2 applications heard together.
11. Having regard to LTB Rule 15, it seems to me the Tenants ought to have known much earlier on that their T1 application as filed might have had claim anomalies relative to section 135 of the Act. For whatever reason they had, they waited until very close to the scheduled hearing date before filing their T1 amendment request which effectively included a request to combine a freshly filed T2 application with their T1 application.
12. Because of this, I am of the view the Landlords would have been significantly prejudiced if I were to allow or grant the Tenants’ request to amend and combine.
13. In my view, if the Tenants wish to have a tenant-rights application come before the LTB, they have every right to file their T2 application as they still have a lot of time to do so – i.e. before the LTB, up to one year after the tenancy termination. The Tenants also have the L1 application that apparently is being scheduled for an LTB hearing, to raise section 82 claims if they do not wish to file a T2. In other words, the Tenants maintain their legal rights to raise claims properly against the Landlord, and the Landlord will then have the time to be able to prepare and be heard.
14. After I determined that I would deny the Tenants’ request to amend their T1, so as to add and combine a T2 application, I asked the Tenants to proceed with the T1 merits hearing, which was the reason for holding this hearing before me. I was also satisfied that the T1 specific amendments were permissible to be heard (but not the T2 application).
15. Before me, the Tenants elected not to proceed and requested that their T1 application be withdrawn.

16. LLR objected to the Tenants' request to withdraw, stating the Landlord would like the merits hearing to proceed so it "could be dismissed", as he saw it
17. I considered the parties' submissions and determined that I would consent to the Tenants' request to withdraw, pursuant to subsection 200(4) of the Act. In my view, the most expeditious method of determining the relevant questions in the proceeding had already taken place, leading to the Tenants' request to withdraw (reference: section 183 of the Act).

It is ordered that:

1. The Tenants' T1 application is withdrawn.

February 24, 2026

Date Issued

Alex Brkic

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.