



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

Citation: PARTHENIOU v BARRY, 2026 ONLTB 17873

Date: 2026-02-26

File Number: LTB-L-097877-25-RV

In the matter of: HOUSE, 4712 COOKMAN CRESCENT
NIAGARA FALLS ON L2E1C2

Between: JOHN I PARTHENIOU Landlords
SOPHIA S PARTHENIOU

And

LINDSEY AMANDA-LEE BARRY Tenants
CHRISTOPHER ROUSE

Review Order

JOHN I PARTHENIOU (JP) and SOPHIA S PARTHENIOU (SP) (the 'Landlords') applied for an order to terminate the tenancy and evict LINDSEY AMANDA-LEE BARRY (LB) and CHRISTOPHER ROUSE (CR) (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe.

This application was resolved by order LTB-L-097877-25 issued on January 29, 2026.

On February 24, 2026, the Landlords requested a review of the order.

A preliminary review of the review request was completed without a hearing. In determining this request, I listened to the audio recording for this hearing.

Determinations:

1. The order under review determined that the Tenants are not responsible to pay the application filing fee. It was uncontested that the Tenants had given notice that they would vacate the unit by November 30, 2025 and they did vacate just prior to this date. The application claimed rent arrears for November 2025. The Tenants had paid a rent deposit, which was applied to the month of November 2025.
2. The Member determined that the Tenants were not responsible for the filing fee because when the application was filed the Tenants were not in arrears. As per subs.106(10) of the *Residential Tenancies Act, 2006* (the 'Act'), the Landlords were required to apply the rent deposit to the last month of the tenancy. The application was filed on November 17, 2025, well after the Landlords received written notice from the Tenants that they would

vacate by the end of November. At the hearing the Landlord JP argued that the Tenants had given their written notice 59 days prior to the termination date in the notice (whereas 60 days' notice is required under the Act) and so their notice was invalid, and because it was invalid he treated it as if it was not notice.

3. The Landlords' review request repeats the argument that JP made at the hearing.
4. The Member's determination that the Tenants are not responsible to pay the filing fee in these circumstances is reasonable. That the notice did not strictly conform to the requirements of such a notice did not render the notice void. The notice made the Landlords aware that the Tenants intended to vacate the unit by November 30 and they should have applied the rent deposit to the last month of the tenancy, which was November 2025.
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-L-097877-25 issued on January 29, 2026 is denied. The order is confirmed and remains unchanged.

February 26, 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.