



Order under Section 135 Residential Tenancies Act, 2006

File Number: LTB-T-075811-25

In the matter of: 24 Carling St
Hamilton ON L8S1M8

Between: Enya Su Tenant

And

Jian Gong Landlord

Enya Su (the 'Tenant') applied for an order determining that Jian Gong (the 'Landlord') collected or retained money illegally.

This application was heard by videoconference on March 25, 2026.

The Landlord's representative Ling Yang and the Tenant attended the hearing.

Determinations:

1. As explained below, the Tenant's application is dismissed.

Illegal charge collected
2. The Landlord collected a charge which is not allowed by the *Residential Tenancies Act, 2006* (the 'Act'). The Landlord collected \$500.00 as a security deposit on July 19, 2024 as assurance that the Tenant would not re-rent the unit or abandon it. This is not a charge which is permitted under section 134 of the Act.
3. However, the Tenant filed their application on September 10, 2025, which is over one year after the illegal charge was collected.
4. Section 135(4) of the Act states: "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*." In this case, an illegal security deposit only has a collection date, it does not have a legal retention date.
5. Conversely, a sum like a last month's rent deposit has both a collection date and a retention date because it can be collected legally at the start of a tenancy and retained until the end when it ought to be applied to the last month's rent. With respect to a security deposit, it is illegal from the outset, and a tenant must file an application relating to an

illegal charge within 12 months of it being collected by a landlord. The Tenant did not file their application within one year.

6. Pursuant to section 56(2) of O. Reg. 516/06 General, the Board may not extend the deadline for filing applications of this kind. As such I do not have jurisdiction to consider the Tenant's claim or extend the deadline by which they could have filed.

It is ordered that:

1. The Tenant's application is dismissed.

March 30, 2026
Date Issued

Madeline Ntoukas
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.