



Order under Section 135 Residential Tenancies Act, 2006

Citation: Moradian Kheibari v 002862507 Ontario Ltd., 2026 ONLTB 32508

Date: 2026-04-24

File Number: LTB-T-089689-25

In the matter of: 27, MAIN - MOUNT ROYAL AVE
TORONTO ON M6H2S2

Between: Emad Moradian Kheibari Tenant

And

002862507 Ontario Ltd. Landlord

Emad Moradian Kheibari (the 'Tenant') applied for an order determining that 002862507 Ontario Ltd. (the 'Landlord') collected or retained money illegally.

This application was heard by videoconference on April 20, 2026. Only the Tenant attended the hearing.

As of 10:46 a.m., the Landlord was not present or represented at the hearing although properly served with notice of this hearing by the LTB. There was no record of a request to adjourn the hearing. As a result, the hearing proceeded with only the Tenant's evidence.

Determinations:

1. As explained below, the Tenant proved some of the allegations contained in the application on a balance of probabilities. Therefore, the Landlord must pay to the Tenant \$745.00.
2. The Landlord collected a charge which is not allowed by the *Residential Tenancies Act, 2006* (the 'Act').
3. The Tenant submits that the Landlord charged him a \$400.00 deposit for his keys which was collected at the beginning of the tenancy. In support of this allegation, the Tenant provided two photos showing \$400.00 of cash with the keys.
4. The Tenant also seeks a refund for the amount paid for "solid waste disposal" totalling \$297.00 for the 12 months between October 2024 and October 2025, when he vacated the rental unit. The Tenant states that this formed part of the water utility invoice, which he was responsible for; however, he says it was listed as "solid waste disposal" on a separate

portion of the utility bill. The utility was under the Landlord's name, but the Tenant paid 50% of the bills.

5. Utilities are defined pursuant to s. 2(1) of the Act as: "...heat, electricity, and water." Utilities do not contemplate solid waste disposal, which the Board understands to be garbage, recycling, yard waste, etc.¹ In my view, solid waste disposal is not akin to utilities as described in s.2 of the Act. I accept the Tenant's uncontested testimony that he paid \$297.00 for these charges between October 2024 and October 2025. Therefore, I find that the Tenant is entitled to reimbursement of these charges.
6. The Tenant also requested the return of funds spent on pest control. However, pursuant to s. 29(2) of the Act, these costs were incurred more than one year before the application was filed on October 5, 2025. No order shall issue.
7. This order contains all of the reasons within it. No further reasons shall issue.

It is ordered that:

1. The total amount the Landlord shall pay to the Tenant is \$745.00, which represents:
 - \$400.00 for the illegal charge collected.
 - \$297.00 for solid waste collection services.
 - \$48.00 for the application filing fee.
2. The Landlord shall pay the Tenant the full amount owing by May 5, 2026.
3. If the Landlord does not pay the Tenant the full amount owing by May 5, 2026, the Landlord will owe interest. This will be simple interest calculated from May 6, 2026, at 4.00% annually on the balance outstanding.
4. The Tenant has the right, at any time, to collect the full amount owing or any balance outstanding under this order.

April 24, 2026

Date Issued

Jane Dean

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.

¹ [Solid Waste Management Facilities – City of Toronto](#)