



Order under Section 135 Residential Tenancies Act, 2006

File Number: LTB-T-000258-26

In the matter of: 32, 861 SHEPPARD AVE W
NORTH YORK ON M3H0E9

Between: Roman Sizov Tenant

And

Nick Jubran Landlord

Roman Sizov (the 'Tenant') applied for an order determining that Nick Jubran (the 'Landlord') collected or retained money illegally.

This application was heard by videoconference on April 20, 2026.

The Landlord and the Tenant attended the hearing.

Determinations:

1. The Tenant previously filed a T1 application, LTB-T-036912-25, claiming that the Landlord had collected an illegal charge of \$200.00, which represented a portion of the last month's rent which was not returned or applied to the last month of the tenancy which had been retained by the Landlord as an unlawful cleaning deposit.
2. The Tenant's prior T1 application was mediated on August 28, 2025 and an order was issued on consent which has not been reviewed. The order for LTB-T-036912-25 ordered a return of \$200.00 which represented the balance of the last month's rent deposit and the application filing fee. The order states at paragraph 1:

This order resolves all matters raised in the application and all matters arising from the tenancy to the date of the hearing and neither party will file any other application, action, claim or commence any proceedings against the other party related to this tenancy in any court of competent jurisdiction.

3. This T1 application was subsequently filed by the Tenant on January 5, 2026, claiming that the Landlord has collected an unlawful per diem amount of compensation for the period of April 12, 2025 to April 15, 2025.
4. The principle of *res judicata* prevents a party from re-litigating a matter that has already been decided previously. The principle recognizes the need for finality in the legal system.

The criteria for determining res judicata as per Richard A. Feldman in his text *Residential Tenancies*, 9th ed. (Toronto: Carswell, 2009) at p. 90 are:

- Has the question currently being advanced been decided at an earlier proceeding?
 - Was the earlier decision final? And
 - Are the parties the same now as in the earlier proceeding?
5. All these criteria are met here. The Tenant and the Landlord consented to an order for the Landlord to return a portion of the last month's rent deposit which was not returned or applied to the last month of the rental period. The Tenant and the Landlord also consented to the order in LTB-T-036912-25, which resolved all issues arising out of the tenancy up to the date of the hearing. The decision of Hearings Officer, Diego Fernandez-Stoll was final.
 6. Although the application of res judicata requires a flexible approach, and there exists discretion to refuse to apply the doctrine where it will work an injustice, the balance is between finality and fairness, (*Danyluk v. Ainsworth Technologies* 2001 SCC 44; *Penner v. Niagara (Regional Police Services Board)*, 2013 SCC 19). I am satisfied, based on the information provided at the hearing that no unfairness in the prior hearing occurred. The Tenant agreed he entered into the consent order voluntarily.
 7. Moreover, there is an LTB process in place to review the order made on September 2, 2025.
 8. Therefore, I find that the Tenant in this case is estopped from re-litigating the issue of the unlawfully collected charges.

It is ordered that:

1. The Tenant's application is dismissed.

April 23, 2026

Date Issued

Christopher Lin

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.