



Order under Section 135 Residential Tenancies Act, 2006

File Number: LTB-T-101526-25

In the matter of: 206, 60 ESTHER LORRIE DR
ETOBICOKE ON M9W4T9

Between: Kirsten Inniss
Nickoy Williams

Tenants

And

TMDL Property Management Inc

Landlord

Kirsten Inniss and Nickoy Williams (the 'Tenant') applied for an order determining that TMDL Property Management Inc (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. The Landlord was represented by Preston Haynes, a licensed paralegal.

Determinations:

1. As explained below, the Tenant did not prove the allegations contained in the application on a balance of probabilities. Therefore, the application is dismissed.
2. The Tenants' application claims for interest on the last month's rent deposit collected on June 1, 2022. Interest on the deposit has not been paid to the Tenants nor has it been credited to the deposit. As a result of a discrepancy about whether a valid Notice of Rent Increase (NORI) has been delivered to the Tenants, the Landlord has been applying the interest and some other accumulated credits to the rent arrears accruing because the Tenants' have refused to recognize the new rent as ostensibly set out in the NORI.
3. The *Residential Tenancies Act, 2006* (the 'Act') in section 106 subsections (6) and (7) allow a Landlord to either pay the interest accruing to a tenant to the tenant or to apply that interest to the last month's rent deposit in affect keeping the deposit current with the rent. A tenant may not compel the payment of interest to themselves. Nor may a Landlord use the interest to compensate for arrears as has been done in this case; although section 106(9) does allow a Tenant to deduct the amount of interest owing from a subsequent rent payment this is not the case here.

4. The issue between the parties is actually the validity of a recently delivered NORI and the application commenced by the Tenants is not the appropriate application to deal with this issue.

It is ordered that:

1. The Tenants' application is dismissed and the LTB file is closed.

April 22, 2026
Date Issued

Christina Budweth
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.