



Order under Section 135 Residential Tenancies Act, 2006

Citation: Ferguson v Drewlo Holdings - Apartment Rentals, 2026 ONLTB 34125

Date: 2026-04-29

File Number: LTB-T-104455-25

In the matter of: 284 Edgevalley Road East
London On N5V0E4

Between: Kelly Ferguson Tenant

And

Drewlo Holdings - Apartment Rentals Landlord

Kelly Ferguson (the 'Tenant') applied for an order determining that Drewlo Holdings - Apartment Rentals (the 'Landlord') collected or retained money illegally.

This application was heard by videoconference on April 7, 2026.

The Landlord's Legal Representative, Richard Dehaan, and the Tenant attended the hearing.

Determinations:

1. As explained below, the Tenant did not file their application within 12 months of the date money was alleged to be collected or retained illegally by the Landlord. Consequently, the application is dismissed.
2. The Tenant's application centred on the allegation that the Tenant paid an illegal charge to the Landlord when she was asked to provide 12 months of pre-authorized rent payments prior to the tenancy commencing on December 1, 2023. The Tenant paid \$4,900.00 for the first and last month of the tenancy on October 19, 2023, then the Tenant paid \$24,500.00, the equivalent of ten months' rent, on October 24, 2023.
3. The Tenant's application was filed on November 21, 2025.
4. Subsection 135(1) of the *Residential Tenancies Act, 2006* (the 'Act') states:

(1) A tenant or former tenant of a rental unit may apply to the Board for an order that the landlord, superintendent or agent of the landlord pay to the tenant any money the person collected or retained in contravention of this Act or the *Tenant Protection Act, 1997*.

5. Subsection 135(4) of the Act states:

(4) 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*.

6. Per para 2 of s. 56 of O. Reg. 516/06, the Board does not have the authority to extend or shorten the deadline for filing applications.

7. The payment at issue here is the October 24, 2023 payment. The Tenant was well out of time to file the application when the money was *collected* on that date. However, I examined the dates to assess if the money was also allegedly illegally *retained* within the limitation period. The parties confirmed that the pre-authorized monthly payments were appropriately allocated for the ten-month period from January 1, 2024 to October 1, 2024. Consequently, the Tenant received the benefit of those payments for that period, and the last portion of the \$24,500.00 payment was applied on October 1, 2024. Therefore, the Tenant filed their application outside the 12-month limitation period when she filed the application on November 21, 2025.

8. As the Tenant did not file their application within one year after the Landlord allegedly collected or retained money in contravention of the Act, the application must be dismissed.

It is ordered that:

1. The application is dismissed.

April 29, 2026
Date Issued

Fotoula Hatzantonis
Member, Landlord and Tenant Board

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If you have any questions about this order, call 416-645-8080 or toll free at 1-888-332-3234.