



Order under Section 135 Residential Tenancies Act, 2006

File Number: LTB-T-051827-25

In the matter of: 211, 600 FLEET ST
TORONTO ON M5V1B7

Between: Akinbadewa Peter Akindolire Tenant

And

Rita Khare Landlord

Akinbadewa Peter Akindolire (the 'Tenant') applied for an order determining that Rita Khare (the 'Landlord') collected or retained money illegally.

This application was heard by videoconference on February 12, 2026.

Only the the Tenant attended the hearing.

As of 10:05 a.m., the Landlord wase 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. The rental unit is situated within a condominium complex managed by Dell Property Management Malibu at Harbourfront (the "Condo Board").
2. The Tenant testified that he entered into a six-month tenancy agreement with the Landlord for the period commencing March 1, 2025 and ending August 31, 2025.
3. The Tenant further testified that the Landlord failed to submit the tenancy agreement to the Condo Board for approval, and that the Condo Board does not permit tenancy agreements with a term of less than one year.
4. The Tenant testified that the Condo Board restricted his access to both the residential complex and the parking garage.
5. While the Landlord did not directly restrict the Tenant's access to the rental unit, I find that the Landlord had an obligation to comply with the Condo Board's rules. However, the Tenant seeks the return of rent paid for the period during which he was denied access, relying on subsection 135(1) of the *Residential Tenancies Act, 2006* (the "Act"). In my

view, this does not constitute illegal rent, but rather a claim for rent abatement for a period during which the Tenant lacked access to the residential complex and parking garage.

6. An abatement is not a remedy available under this T1 application, which is limited to claims of illegal rent.
7. While I accept that the Tenant may have experienced a loss of access to the residential complex and parking garage, such issues are more appropriately addressed in a T2 application. The Tenant testified that such an application has been filed, and that forum provides the proper mechanism to assess any entitlement to an abatement or other remedy.
8. I have considered whether it would be appropriate to amend the application. However, in the absence of the Landlord at the hearing, I find that permitting an amendment would be procedurally unfair, as the Landlord has not had notice of, or an opportunity to respond to, a claim framed on a different legal basis.
9. Accordingly, the application is dismissed.

It is ordered that:

1. The Tenant's T1 application is dismissed. The Board's file is closed.

April 30, 2026
Date Issued

Christina Philp
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.

