



Order under Section 135 Residential Tenancies Act, 2006

Citation: Safarzay v Mandelker, 2026 ONLTB 34434

Date: 2026-05-05

File Number: LTB-T-089204-25

In the matter of: 216, 160 Kingsway Cres
Toronto ON M8X2R2

Between: Magina Safarzay Tenant

And

Joey Mandelker
Landlord

Magina Safarzay (the 'Tenant') applied for an order determining that Joey Mandelker (the 'Landlord') collected or retained money illegally.

This application was heard by videoconference on April 27, 2026.

The Landlord, the Landlord's legal representative, Bryan Rubin, and the Tenant attended the hearing.

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 Landlord did not illegally retain the Tenant's rent deposit.
3. The Tenant moved out of the rental unit on or about August 15, 2025.
4. The Tenant via text dated July 28, 2025, notified the Landlord, through his agent, that they were vacating on August 15, 2025.
5. The Tenant does not dispute that they provided notice to the Landlord on July 28, 2025, that they would be vacating the rental unit on August 15, 2025, and I accept the Tenant vacated the rental unit on or about this date.
6. I find there was no agreement that the Landlord and Tenant agreed to terminate the tenancy without giving proper notice under the Act. As the notice provided by the Tenant on July 28, 2025, was less than 60 days, I find the notice was not provided in accordance with subsection 44(2) of the Act.

7. Further, pursuant to subsection 88(1) of the Act, the Tenant is liable for the rent up to the date the tenancy could have been terminated if proper notice was given, in this case, the date would be October 15, 2025.
8. I accept that the Landlord was not able to re-rent the unit for two months after the Tenant vacated the rental unit.
9. For the reasons above, I find the Tenant is not entitled to the last month's rent deposit.

It is ordered that:

The Tenant's T1 application is dismissed.

May 5, 2026
Date Issued

Jeanie Theoharis
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.