



Order under Section 135 Residential Tenancies Act, 2006

File Number: LTB-T-109271-25

In the matter of: 13 HESWALL LANE
NEWMARKET ON L3Y0E1

Between: Sanaz Salavati Tenant

And

Bijan Saffari Landlord

Sanaz Salavati (the 'Tenant') applied for an order determining that Bijan Saffari (the 'Landlord') collected or retained money illegally.

This application was heard by videoconference on May 4, 2026.

Only the Tenant, the Tenant's support person Alireza Abbasi and the Tenant's Farci Interpreter Aminreza Abbasi attended the hearing.

As of 9:21 a.m., the Landlord was 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. 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 Tenant and the Landlord entered into a tenancy agreement commencing on August 13, 2022. At the time of the tenancy agreement the Tenant provided a last month's rent deposit to the Landlord in the amount of \$1,100.00.
3. The parties came to an agreement to end the tenancy and the Tenant vacated the rental unit on October 14, 2024.
4. The Tenant alleges that the Landlord did not use the Tenant's rent deposit to pay for the last rental period of the tenancy and did not return the deposit to the Tenant.

5. Section 105(1) of the *Residential Tenancies Act, 2006* states:

The only security deposit that a Landlord may collect is a rent deposit collected in accordance with section 106.

6. Pursuant to section 106(10) of the Act:

A landlord shall apply a rent deposit that a tenant has paid to the landlord or to a former landlord in payment of the rent for the last rent period before the tenancy terminates.

7. Section 135(1) of the Act permits a tenant or former tenant of a rental unit to 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*.

8. However, pursuant to section 135(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.

9. The Tenant filed their T1 application with the Board on January 5, 2026. That date is more than one year after the last month's rent deposit is alleged to have been illegally retained by the Landlord. As such the Tenant's application must be dismissed.

It is ordered that:

1. The Tenant's application is dismissed.

May 11, 2026
Date Issued

Sean Ramage
Member, Landlord and Tenant Board

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