



**Order under Section 135
Residential Tenancies Act, 2006**

File Number: LTB-T-098032-25

In the matter of: 104 Palomino Drive
Mississauga ON L4Z3H7

Between: Sushma Gurung Tenant

And

Santhi Rajeshlal Menon Landlord

Sushma Gurung (the 'Tenant') applied for an order determining that Santhi Rajeshlal Menon (the 'Landlord') collected or retained money illegally.

This application was heard by videoconference on April 30, 2026.

Only the Tenant attended the hearing.

As of 9:16am, 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 proved the allegations contained in the application on a balance of probabilities.
2. The Tenant filed documentary evidence (DOC-6834000) to the Board to support her claims in the application.
3. The Tenant's position is the Tenant agreed to an oral tenancy agreement with the Landlord to rent a room in a rooming house for \$750.00 per month commencing on November 1, 2025.
4. The Landlord requested the Tenant pay a first and last months rent deposit to secure the room, which the Tenant paid in one lump sum of \$1,500.00.
5. On November 7, 2025 the Tenant texted the Landlord and informed the Landlord that her room was infested with bed bugs. She was experiencing rashes and bites as a result of the infestation and provided photos to support her claim.

6. The Tenant requested the Landlord schedule a treatment to remedy the issue and the Landlord refused.
7. On November 8, 2025 the Tenant informed the Landlord she could no longer stay in the rental unit and requested to be reimbursed for the balance of rent that was not used.
8. The text messages between the Tenant and the Landlord indicate the Landlord offered for the Tenant to terminate the tenancy and upon her vacating the rental unit the Landlord would return the unused portion of the Tenant's first and last months rent deposit.
9. The Tenant vacated the rental unit on November 10, 2025.
10. The Tenant stated that the Landlord did not follow through on her agreement and has not returned the last months rent deposit or the balance of November 2025 rent.
11. With the totality of the uncontested evidence and submissions before me and on a balance of probabilities I find the Tenant has proved the allegations in the application.
12. I am satisfied that the Landlord and Tenant entered into an agreement to terminate the tenancy and the Landlord has not returned the unused portion of rent the Tenant paid to the Landlord.
13. The lawful rent is \$750.00 per month. Daily compensation is calculated as follows: $\$750.00 \text{ (lawful rent)} \times 12 \text{ (months)} / 365 \text{ (days)} = \24.65 .
14. The Landlord is holding a last month rent deposit in the amount of \$750.00. The Tenant paid November 2025 rent in the amount of \$750.00 and occupied the rental unit for 10 days ($\$24.65 \times 8 = \246.50). $\$750.00 - \$246.50 = \$503.50$.
15. The total the Landlord owes the Tenant is \$503.50 (unused rent from November 11, 2025 to November 30, 2025) + \$750.00 (last month rent deposit) = \$1,253.50.
16. This order contains all reasons for the determinations and order made. No further reasons will be issued.

It is ordered that:

1. The total amount the Landlord shall pay the Tenant is \$1,296.50. This amount represents:
 - \$1,253.50 for excess rent collected.
 - \$48.00 for the cost of filing the application.
2. The Landlord shall pay the Tenant the full amount owing by May 22, 2026.
3. If the Landlord does not pay the Tenant the full amount owing by May 22, 2026, the Landlord will owe interest. This will be simple interest calculated from May 23, 2026 at 4.00% annually on the balance outstanding.

May 11, 2026
Date Issued

Greg Brocanier
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.