



Order under Section 135 Residential Tenancies Act, 2006

File Number: LTB-T-003716-26

In the matter of: 2702, 161 ROEHAMPTON AVE
TORONTO ON M4P 0C8

Between: Shanmukh Dave Tenant
Sonali Dave

And

Apurba Bhowmik Landlord

Shanmukh Dave and Sonali Dave (the 'Tenant') applied for an order determining that Apurba Bhowmik (the 'Landlord') collected or retained money illegally.

This application was heard by videoconference on May 11, 2026.

Only the Tenant, Shanmukh Dave attended the hearing.

As of 9:30am, 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. The Tenant filed a T1 Application claiming that the Landlord had charged the Tenant an illegal charge and did not use the Tenant's last month rent deposit for the last month of the tenancy. The application must be dismissed because it was filed more than one year after the Tenant vacated the rental unit.
2. This application was filed under section 135 of the *Residential Tenancies Act, 2006* ('Act'). Section 135(4) provides:

Time limitation

(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. 2006, c. 17, s. 135 (4) [Emphasis added].

3. In my view, the latest the Landlord can be said to have unlawfully retained the deposit is the date the Tenant vacated, which they testified was on July 31, 2024. The Tenant filed this application on January 13, 2026. This is 6-months past the 1-year limitation period in section 135(4). As per section 56 of Reg.516/06 the LTB does not have the authority to extend the limitation period.
4. As a result, I find that the LTB must dismiss this application because it was filed after the Act's 1-year limitation period.

It is ordered that:

1. The Tenant's application is dismissed.

May 27, 2026
Date Issued

Angela Smith
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.