



Order under Section 135 Residential Tenancies Act, 2006

Citation: Patel v Houshmand, 2026 ONLTB 39299

Date: 2026-05-20

File Number: LTB-T-104676-25

In the matter of: 198 Waterloo Ave
NORTH YORK ON M3H3Z2

Between: Utsav Patel Tenant

And

Ali Houshmand Landlord

Utsav Patel (the 'Tenant') applied for an order determining that Ali Houshmand (the 'Landlord') collected or retained money illegally.

This application was heard by videoconference on May 13, 2026.

Only the Tenant attended the hearing.

As of 9:30 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 proved the allegations contained in the application on a balance of probabilities. Therefore, the Landlord must return the \$381.00 that the Landlord has illegally retained from the Tenant.
2. The Landlord collected a charge which is not allowed by the *Residential Tenancies Act, 2006* (the 'Act').
3. Per the Tenant's uncontested testimony, the Landlord collected a \$1000.00 deposit above-and-beyond the last month's rent deposit permitted under the Act on or around November 1, 2024. The Tenant testified that the Landlord characterized this deposit as a security deposit.
4. The Tenant testified that he moved out of the rental unit on October 31, 2025. Per his uncontested testimony, the Landlord returned a part of the illegal security deposit but withheld \$381.00, citing various turnover expenses relating to the unit. The Tenant testified

that he asked the Landlord to return these funds in November 2025, but that the Landlord stopped responding to his messages.

5. I found the Tenant's testimony to be clear, consistent and credible. He was forthcoming in his responses to my inquiries for details.
6. Based on this evidence, I am satisfied on a balance of probabilities that the \$381.00 was illegally retained by the Landlord in November 2025. These funds must be returned to the Tenant in accordance with the order below.

It is ordered that:

1. The total amount the Landlord shall pay the Tenant is \$429.00. This amount represents:
 - \$381.00 for the illegal charge collected.
 - \$48.00 for the cost of filing the application.
2. The Landlord shall pay the Tenant the full amount owing by May 31, 2026.
3. If the Landlord does not pay the Tenant the full amount owing by May 31, 2026, the Landlord will owe interest. This will be simple interest calculated from June 1, 2026 at 4.00% annually on the balance outstanding.
4. The Tenant has the right, at any time, to collect the full amount owing or any balance outstanding under this order.

May 20, 2026
Date Issued

Jeremy Henderson
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.