



Order under Section 135 Residential Tenancies Act, 2006

File Number: LTB-T-006820-26

In the matter of: 270 Wild Rose Drive
Gravenhurst ON P1P0B4

Between: Grace Iavarone Tenant

And

Hanan Duchon Landlords
Eric Duchon
Victoria Marques

Grace Iavarone (the 'Tenant') applied for an order determining that Hanan Duchon, Eric Duchon and Victoria Marques (the 'Landlords') collected or retained money illegally.

This application was heard by videoconference on May 13, 2026. The Tenant and the Tenant's son Ostyn Iavarone attended the hearing. The Landlord's agent Ruthie Duchon and the Landlord's legal representative Ian Shemesh attended the hearing.

Determinations:

Preliminary Issue#1

1. The Landlords raised at the outset of the hearing that someone is assisting the Tenant that may not be a legal representative.
2. The Tenant states that she would like her son Ostyn Iavarone to represent her as an unlicensed representative because she suffers from anxiety and he has personal knowledge of the issues forming the basis of the application.
3. Ostyn Iavarone meets the criteria for an exemption established under the Law Society of Ontario to appear before the Landlord and Tenant Board ('LTB') as an unlicensed representative because he is a family member (the Tenant's son) who is not in the business of providing legal services and who does not receive any compensation for the representation. The Landlords had no objection to Ostyn Iavarone appearing before the LTB as an unlicensed representative because he meets one of the criteria established under the Law Society of Ontario.

Preliminary Issue#2

4. The Landlords state that the Tenant has not provided particulars as it relates to the amount of \$4,965.24 that the Tenant claims she has paid towards the utilities without having been provided with the copies of the utility bills/statements to verify the amounts. The Landlords state the Tenant also claims this has substantially interfered with her reasonable enjoyment of the rental unit. The Landlords request a dismissal of this claim.
5. Ostyn lavarone states that documents were uploaded to the Tribunals Ontario Portal and also provided to the Landlords in support of the Tenant's application which the Landlords do not dispute receiving. The Landlords state that the amount claimed is not properly plead when the application was filed and there has been no amendment to the application.
6. The Tenant's claim for the amount \$4,965.24 for utility amounts paid by the Tenant is dismissed. The application contains no particulars regarding any of the dates, individual utility bill/statement amounts, or the specific type of utility which total the amount of \$4,965.24. There are no details outlined regarding the period that the Tenant paid this amount. I find this has placed the Landlords in the position of not being able to properly respond to the application. The Tenant filing documents in support of the application after the fact does not substitute the absence of information in the pleadings.

Preliminary Issue#3

7. The Landlords state that it has paid the interest owing on the last month's rent deposit by e-transfer to the Tenant and a receipt is provided to support this.
8. Ostyn lavarone states that the amount paid is less than what the Tenant is claiming and the Landlord may not have paid the correct amount owing for the interest on the last month's rent deposit.
9. I allowed the Tenant to proceed on this evidentiary issue. I stated that I would determine based on the evidence before me if there is any amount owing to the Tenant as it relates to interest on the last month's rent deposit.
10. As explained below, the Tenant proved the allegation contained in the application relating to the unpaid interest on the last month's rent deposit on a balance of probabilities. However, the unpaid amount is 42 cents which is a de minimis amount owing. As a result, no amount will be ordered to be paid to the Tenant.
11. For the reasons provided below, the claimed amount for \$4,965.24 for utility amounts paid by the Tenant based on the Tenant not being provided with copies of utility bills/statements is dismissed.
12. *Interest on rent deposit owing*

The Landlords paid the Tenant interest on the last month's rent deposit. However, it was not paid on an annual basis as required by the *Residential Tenancies Act, 2006* (the 'Act').

13. It is undisputed that the Tenant paid a last month rent deposit to the Landlords on December 5, 2023. The Tenant still resides in the rental unit. Ostyn Iavarone states that the Landlords have not paid interest to the Tenant on annual basis as required under the Act.
14. It is undisputed that the Landlords sent an e-transfer in the amount of \$152.75 to the Tenant on February 25, 2026 which represents the interest owing on the rent deposit for 2023, 2024, and 2025. The Tenant's position is that this amount was short-paid as the Tenant claims the unpaid interest owing is \$115.15 as claimed in the application.
15. At the hearing, I was unable to access an interest rate calculator to check the interest owing on the last month's rent deposit. I stated if there is interest owing beyond what the Landlords paid to the Tenant for the period from December 5, 2023 - December 31, 2025, it would be reflected in my order as an amount to be paid to the Tenant. The Landlords stated if I determine an amount is owing to the Landlords, they do not want the Tenant to reimburse the Landlords for any amount owing.
16. I calculated the interest amount for the period December 5, 2023 - December 31, 2025 is \$153.17. I accept the Landlords paid \$152.75 to the Tenant on February 25, 2026 as it is undisputed. Therefore, the shortfall for the interest owed to the Tenant is 42 cents which is a de minimis amount and no further amount will be awarded under this order.

It is ordered that:

1. As there is no amount to be ordered to be paid to the Tenant, the application is dismissed.

May 22, 2026
Date Issued

Kimberly Parish
Vice Chair, Landlord and Tenant Board

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