



Order under Section 135 Residential Tenancies Act, 2006

Citation: Torres Collado v Najafi Koopai, 2026 ONLTB 41575

Date: 2026-05-29

File Number: LTB-T-009860-26

In the matter of: 116 Birch avenue
Richmond Hill ON L4C6C7

Between: Isabel Torres Collado Tenant

And

Mohammad Kazem Najafi Koopai Landlord

Isabel Torres Collado (the 'Tenant') applied for an order determining that Mohammad Kazem Najafi Koopai (the 'Landlord') collected or retained money illegally.

This application was heard by videoconference on May 21, 2026. The Tenant, the Tenant's agent James O'Hearn, the Landlord and the Landlord's legal representative Rosa Careri attended the hearing.

Determinations:

1. As explained below, the Tenant's application is dismissed.
2. The Tenant's T1 application was filed on February 2, 2026, and alleges that the Landlord collected or retained money illegally throughout a series of illegal rent increases.
3. As per the application, the tenancy commenced on September 1, 2019. The monthly rent at the commencement of the tenancy was \$3,000.00 per month.
4. As per the application, the Tenant asserts that the monthly rent was increased without lawful notice on the following:
 - From \$3,000.00 to \$3,060.00 and again to \$3,136.50 in 2022
 - From \$3,136.50 to \$3,950.00 in 2023, and
 - From \$3,950.00 to \$4,000.00 on or about July 1, 2024.
5. The Tenant and their agent confirmed at the hearing that despite no lawful notice of rent increase (N1 notice) being served, that the Tenant paid the increased amounts up until September 30, 2025.

6. The Tenant's application is filed pursuant to section 135 (1) of the *Residential Tenancies Act, 2006* (the Act) which states in part:

135 (1) A tenant or former tenant of a rental unit may 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.

7. Section 116 of the Act states that a landlord must give a tenant at least 90 days notice of the intent to increase the rent, that the notice must be in a form approved by the Board (N1 notice) and that if these requirements are not met, that the increase of rent may be deemed invalid.
8. Despite the requirements in section 116 set out above, section 135.1 of the Act states the following:

135.1 (1) An increase in rent that would otherwise be void under subsection 116 (4) is deemed not to be void if the tenant has paid the increased rent in respect of each rental period for at least 12 consecutive months.

(2) Subsection (1) does not apply with respect to an increase in rent if the tenant has, within one year after the date the increase was first charged, made an application in which the validity of the rent increase is in issue.

(3) For greater certainty, if subsection (1) applies with respect to an increase in rent, section 116 is deemed to have been complied with.

9. The Tenant's own submissions before the Board confirms that although the Landlord may have increased the rental contrary to section 116 of the Act from 2022 to July 2024, that the Tenant had paid these increased amounts for at least twelve consecutive months without filing an application before the Board pursuant to section 135 of the Act. The Tenant's T1 application was filed approximately 20 months after the last alleged illegal rent increase.

10. As such, the rent increases are deemed lawful pursuant to section 135.1 of the Act.

11. The Tenant's application must therefore be dismissed.

It is ordered that:

1. The Tenant's application is dismissed.

May 29, 2026
Date Issued

Fabio Quattrociochi
Member, 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.