

Amended Order
Order under Section 135
Residential Tenancies Act, 2006
And section 21.1 of the **Statutory Powers Procedure Act**

Citation: Sweetman v InterRent, 2026 ONLTB 40435

Date: 2026-05-27

File Number: LTB-T-006445-26-AM

In the matter of: 63-77 Tindale Court
Hamilton ON L8K6C9

Between: Emily Sweetman Tenant

And

InterRent Landlord

Emily Sweetman (the 'Tenant') applied for an order determining that InterRent (the 'Landlord') collected or retained money illegally.

This application was heard by videoconference on May 19, 2026.

Only the Tenant attended the hearing.

As of 1:30 pm, 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.

This amended order is issued to correct clerical errors to the order that was issued on May 27, 2026.

Determinations:

1. As explained below, the Tenant proved the allegations contained in the application on a balance of probabilities. Therefore, the Landlord must pay to the Tenant \$2,599.00.
2. On January 6, 2025, the Tenant paid to the Landlord \$2,599.00 as a last month's rent deposit for the tenancy that was to commence on February 1, 2025. On January 23, 2025, the Tenant advised the Landlord that she would like to rescind her rental application, as the unit did not have central air.

3. On January 23, 2025, the Landlord agreed to the rescinding of the tenancy agreement but had advised the Tenant that due to the Landlord's Rescind Policy that the Tenant would not be reimbursed her deposit, despite agreeing to rescind the tenancy agreement.
4. Section 3(1) of the *Residential Tenancies Act, 2006* (the 'Act') states; *This Act, except Part V.1, applies with respect to rental units in residential complexes, despite any other Act and despite any agreement or waiver to the contrary.*
5. Section 106(10) of the Act states; (10) *A landlord shall apply a rent deposit that a tenant has paid to the landlord or to a former landlord in payment of the rent for the last rent period before the tenancy terminates.*
6. As such, based on the Tenant's uncontested evidence, I am satisfied on a balance of probabilities that the Landlord collected a charge which is not allowed by the *Residential Tenancies Act, 2006* (the 'Act'). Despite the Landlord's Rescind Policy, only provisions and policies consistent with the Act may be enforced by the Landlord. Further, the Landlord is only able to apply the rent deposit to the last month's rent of the tenancy. Since the parties mutually agreed to not proceed with the tenancy, the deposit must be returned to the Tenant.

It is ordered that:

1. The total amount the Landlord shall pay the Tenant is \$2,599.00. This amount represents:
 - \$2,599.00 for the illegal charge collected.
2. The Landlord shall pay the Tenant the full amount owing by June 7, 2026.
3. If the Landlord does not pay the Tenant the full amount owing by June 7, 2026, the Landlord will owe interest. This will be simple interest calculated from June 8, 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 27, 2026
Date Issued

Jagger Benham
Member, Landlord and Tenant Board

May 27, 2026
Date Amended

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.