



Order under Section 21.2 of the Statutory Powers Procedure Act and the Residential Tenancies Act, 2006

Citation: Morris v McElligott, 2026 ONLTB 42860

Date: 2026-05-28

File Number: LTB-T-101173-25-RV

In the matter of: 643, 53 MCCAUL ST
TORONTO ON M5T2W9

Between:	Roberta Morris	Tenant
	And	
	John McElligott	Landlord

Review Order

Roberta Morris (the 'Tenant') applied for an order determining that John McElligott (the 'Landlord') collected or retained money illegally.

This application was resolved by order LTB-T-101173-25 issued on April 28, 2026.

On May 27, 2026, the Tenant requested a review of the order.

A preliminary review of the review request was completed without a hearing.

Determinations:

1. The Tenant's review request seeks to challenge the amount of interest applied to the amount owing by the Landlord. Specifically, the Tenant asserts that the order contains a serious error as the presiding Member did not consider the accurate time period nor the correct interest calculation. The Tenant requests that the Board issue an order that includes pre-judgement interest and for a period that extends past the date she returned vacant possession to the Landlord.
2. On the basis of the submissions made in the request, I am not satisfied that there is a serious error in the order. I have reviewed the calculations and applicable interest in the April 28, 2026 and cannot find a error in the calculations.
3. The LTB has no general authority to award prejudgement interest. Pursuant to s. 207(7) of the *Residential Tenancies Act, 2006* (the 'Act') the Board's jurisdiction with respect to interest is restricted to post-judgement interest – i.e. interest that runs after the date the LTB orders an amount to be paid and not before.

4. Additionally, interest owing on a last month rent deposit is applicable to the last day of the tenancy, September 25, 2025. The Tenant cannot claim interest for the period after she returned possession to the Landlord.
5. The order at paragraphs 10 to 12 explains the permissible types of deposits a landlord can collect and how and when interest can be calculated.
6. As per section 106(6) of the *Residential Tenancies Act, 2006* (the 'Act'),
 - 6) A landlord of a rental unit shall pay interest to the tenant annually on the amount of the rent deposit at a rate equal to the guideline determined under section 120 that is in effect at the time payment becomes due.
7. The detailed breakdown as ordered by the presiding Member correctly accounts for the key deposit, the security or rent deposit and interest on that security or rent deposit, the additional rent paid by the Tenant and the filing fee.
8. Given the above, I do not find the April 28, 2026 contains a serious error and the Tenant's request is denied.

It is ordered that:

1. The request to review order LTB-T-101173-25 issued on April 28, 2026 is denied. The order is confirmed and remains unchanged.

May 28, 2026
Date Issued

Dana Wren
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.