



**Order under Section 135
Residential Tenancies Act, 2006**

File Number: LTB-T-014102-26

In the matter of: 2999 VALCOURT CRES
MISSISSAUGA ON L5L5J4

Between: SUMIT PATEL Tenants
Urvish Patel

And

Babak Elyasi Landlord

SUMIT PATEL and Urvish Patel (the 'Tenants') applied for an order determining that Babak Elyasi (the 'Landlord') collected or retained money illegally.

This application was heard by videoconference on June 1, 2026.

The Landlord and one of the Tenants, Sumit Patel, attended the hearing.

Determinations:

1. As explained below, the Tenants proved the allegations contained in the application on a balance of probabilities. Therefore, the Landlord must pay the Tenants the amount listed below by June 30, 2026.

Rent deposit not applied to last month of tenancy

2. The Landlord charged the Tenants an illegal charge in the amount of \$3,600.00. This is prohibited by the *Residential Tenancies Act, 2006* (the 'Act').
3. The parties agreed that the Tenants had paid the Landlord a first and last month rent deposit when the tenancy began on February 1, 2025. This was a fixed term tenancy ending on January 31, 2026. However, parties agreed that the Landlord consented to the Tenants vacating the rental unit on November 30, 2025 and terminating the lease early. The last month rent deposit was applied to November 2025 rent.
4. The parties further agreed that the Landlord charged the Tenants an illegal charge on December 1, 2025, by cashing a post-dated cheque in the amount of \$3,600.00. The Landlord testified the reason he charged the Tenants this amount was because of damage caused by the Tenants.

5. Therefore, I find the Landlord charged the Tenants an illegal \$3,600.00 charge. The post-dated cheque was for rent and rent only. The Landlord cannot arbitrarily use a post-dated cheque to pay for damages without the consent of the Tenants. The parties agreed the Tenants did not provide the Landlord with consent to do this.

It is ordered that:

1. The total amount the Landlord shall pay the Tenants is \$3,648.00. This amount represents:
 - \$3,600.00 for the illegal charge.
 - \$48.00 for the cost of filing the application.
2. The Landlord shall pay the Tenants the full amount owing by June 19, 2026.
3. If the Landlord does not pay the Tenants the full amount owing by June 30, 2026, the Landlord will owe interest. This will be simple interest calculated from July 1, 2026 at 4.00% annually on the balance outstanding.
4. The Tenants have the right, at any time, to collect the full amount owing or any balance outstanding under this order.

June 8, 2026
Date Issued

Vishal Nanda
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.