



Order under Section 135 Residential Tenancies Act, 2006

File Number: LTB-T-076807-25

In the matter of: 413B, 271 Sea Ray Avenue
Innisfil ON L9S0J4

Between: Aaron Currie Tenant

And

Franca and Natale Repole Landlords

Aaron Currie (the 'Tenant') applied for an order determining that Franca and Natale Repole (the 'Landlords') collected or retained money illegally.

This application was heard by videoconference on March 26, 2026.

The Landlords' Agent, Franca Repole, the Landlords' support Gabriel Rulli, and the Tenant attended the hearing.

Determinations:

1. As explained below, the Tenant proved the allegations contained in the application on a balance of probabilities. Therefore, the Landlord must pay the Tenant \$350.00.
2. The Landlord collected a charge which is not allowed by the *Residential Tenancies Act, 2006* (the 'Act'). It was undisputed that the Tenant paid the Landlords \$350.00 for an amenity pass.
3. The Tenant provided evidence of the rental property listing which outlines on the first page that excluded from the rent is a \$350.00 charge for an amenity pass per person. The Tenant disputes this amount should have been paid to the Landlord as they argue that it is an illegal charge.
4. In addition, the Tenant provided evidence of the lease that was signed by the parties which outlines in paragraph 8, that the Tenant is to pay a one-time charge for \$350.00, for the amenities access pass.
5. The Landlords' agent testified that the Tenant agreed to pay this amount, and that the Tenant was provided access to the amenities located on site at the rental property.
6. Pursuant to section 4(1) of the Act, it states;

Provisions conflicting with Act void

4 (1) Subject to subsection 12.1 (11) and section 194, a provision in a tenancy agreement that is inconsistent with this Act or the regulations is void.

7. In addition, section 134 of the Act states;

Unless otherwise prescribed, no landlord shall, directly or indirectly, with respect to any rental unit,

(a) collect or require or attempt to collect or require from a tenant, prospective tenant or former tenant of the rental unit a fee, premium, commission, bonus, penalty, key deposit or other like amount of money whether or not the money is refundable;

(b) require or attempt to require a tenant or prospective tenant to pay any consideration for goods or services as a condition for granting the tenancy or continuing to permit occupancy of a rental unit if that consideration is in addition to the rent the tenant is lawfully required to pay to the landlord; or

(c) rent any portion of the rental unit for a rent which, together with all other rents payable for all other portions of the rental unit, is a sum that is greater than the rent the landlord may lawfully charge for the rental unit.

8. Therefore, the Landlord collected a charge which is not allowed by the *Residential Tenancies Act, 2006* (the 'Act'), as this was an additional charge for the amenities access pass, which is not exempt pursuant to section 17 of the *Residential Tenancies Act, 2006, Ontario Regulation 516/06* as the Landlord failed to provide any evidence or testimony to support the fee is exempt from the Act. While I acknowledge the parties agreed on this fee, for my reason stated in paragraph 6, this provision becomes void within the agreement as it is inconsistent with the Act and the regulations.

It is ordered that:

1. The total amount the Landlord shall pay the Tenant is \$398.00. This amount represents:
 - \$350.00 for the illegal charge collected.
 - \$48.00 filing fee
2. The Landlord shall pay the Tenant the full amount owing by June 22, 2026.
3. If the Landlord does not pay the Tenant the full amount owing by June 22, 2026, the Landlord will owe interest. This will be simple interest calculated from June 23, 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.

June 11, 2026
Date Issued

Samantha Greaves
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.