



Order under Section 135 Residential Tenancies Act, 2006

File Number: LTB-T-021532-26

In the matter of: 52 SILVERTHORNE DR
CAMBRIDGE ON N3C0B4

Between: RAKESH KANSAL Tenant
PARUL GUPTA
DEV RAJ KANSAL
KAMLESH KANSAL

And

HARSH DAVE Landlord
NEEKY LAITHANGBAM

RAKESH KANSAL, PARUL GUPTA, DEV RAJ KANSAL and KAMLESH KANSAL (the 'Tenant') applied for an order determining that HARSH DAVE and NEEKY LAITHANGBAM (the 'Landlord') collected or retained money illegally.

This application was heard by videoconference on June 9, 2026.

The Landlord Harsh Dave and the Tenant Rakesh Kansal attended the hearing.

Preliminary Issue:

1. The Tenants filed a T1 Application on March 9, 2026 seeking partial return of their last month's rent deposit as well as compensation pursuant to section 48.1 of the *Residential Tenancies Act* (the Act).
2. The parties agree that the Landlords served the Tenants an N12 Notice of Termination on October 8, 2024. Furthermore, the parties agree that the Tenants provided written notice to terminate the tenancy on February 12, 2025 and that the Tenants vacated the rental unit March 7, 2025.
3. Mr. Kansal was asked to provide submissions on whether the application can succeed given that the T1 Application was filed more than one year after the Tenants vacated the rental unit.

4. Mr. Kansal argued that the compensation pursuant to 48.1 of the Act ought to have been paid by the Landlords to the Tenants on the date they vacated the rental unit, March 7, 2025. Additionally, Mr. Kansal argued that the partial return of the last month's rent deposit ought to have been provided to the Tenants by the Landlords prior to the Tenants vacating the rental unit, meaning prior to March 7, 2025.

5. Section 135 of the Act states:

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*.

(1.1) Without limiting the generality of subsection (1), a landlord is deemed to have retained money in contravention of this Act, if the landlord is required to compensate a tenant under section 48.1, 49.1, 52, 54 or 55 and fails to compensate the tenant as required.

(2) A prospective tenant may apply to the Board for an order under subsection (1).

(3) A subtenant may apply to the Board for an order under subsection (1) as if the subtenant were the tenant and the tenant were the landlord.

(4) No order shall be made under this section with respect to an application filed more than one year after the person collected or retained money in contravention of this Act or the *Tenant Protection Act, 1997*

6. Based on the submissions of the Tenants, who argued that the latest date the Landlords ought to have paid them the amounts claimed in the application is the date they vacated the rental unit (March 7, 2025), the T1 Application must be dismissed. The T1 Application was filed on March 9, 2026, more than one year afforded by the Act.

It is ordered that:

1. The T1 Application is dismissed.

June 15, 2026

Date Issued

Brett Lockwood

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.