



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

File Number: LTB-L-100738-25-RV

In the matter of: 611, 50 MISSISSAUGA VALLEY BLVD
MISSISSAUGA ON L5A3S2

Between: Sanaa Guergues Landlord

And

Rishabh Chugh Tenant

Review Order

Sanaa Guergues (the 'Landlord') applied for an order to terminate the tenancy and evict Rishabh Chugh (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes (hereafter referred to as the 'L1 Application').¹

This L1 Application was heard on February 10, 2026, and resolved by the order LTB-L-100738-25, issued on February 19, 2026. Both the Landlord and the Tenant attended the proceedings on February 10, 2026.

On April 17, 2026, the Landlord requested a review of the order LTB-L-100738-25, issued on February 19, 2026.

On April 20, 2026, the interim order LTB-L-100738-25-RV-IN was issued, directing the matter to a hearing to determine whether the request to review should be granted or denied.

This request to review was heard by videoconference on May 28, 2026.

The Landlord and the Tenant attended the hearing.

Determinations:

Request to Review

1. The Landlord sought a review of the order LTB-L-100738-25, issued on February 19, 2026, as they alleged that the order contained a serious error.
2. During the hearing, the parties agreed once again that the Landlord had collected, on March 28, 2025, the amount of \$950.00 as a last month's rent deposit.

¹ Section 69 of the *Residential Tenancies Act, 2006*.

3. The Landlord stated that the Board erred by applying the amount of \$950.00 previously collected as a last month's rent deposit to the overall outstanding amount owed by the Tenant, all while failing to consider the Tenant's previous failure to pay the lawful rent for the rental period starting October 1, 2025, and ending October 31, 2025.
4. The Landlord therefore seeks to have their request to review the order LTB-L-100738-25, issued on February 19, 2026, granted in order for the merits of the L1 Application to be re-heard.
5. It was not in dispute that the L1 Application filed by the Landlord on December 12, 2025, covered the rental period starting November 1, 2025, to December 31, 2025.
6. The Tenant was opposed to the Landlord's request to review. They submitted that the order LTB-L-100738-25, issued on February 19, 2026, was issued in accordance with the evidence led by both the Landlord and the Tenant during the hearing on February 10, 2026.
7. The Tenant therefore sought for the request to review the order LTB-L-100738-25, issued on February 19, 2026, to be denied.

Analysis

8. On the basis of the evidence and submissions before me, and having listened to a recording of the hearing which took place on February 10, 2026, I am not satisfied, on a balance of probabilities, that the order LTB-L-100738-25, issued on February 19, 2026, contains a serious error.
9. Indeed, the presiding member's finding of fact with respect to amount collected by the Landlord as a last month's rent deposit was based upon a clear and unequivocal joint statement made by both the Landlord and the Tenant, which was also reiterated during the review hearing.
10. Subsection 106(10) of the *Residential Tenancies Act, 2006*, reads as follows:

106 (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. [Emphasis added]
11. As such, the Landlord could not have applied the amount collected as a deposit to any prior rental periods, such as the one starting October 1, 2025, and ending October 31, 2025.
12. As the tenancy between the Landlord and the Tenant had been terminated by the time of the hearing, it was entirely appropriate for the presiding member to apply the amount held as a deposit to the outstanding amount being claimed by the Landlord through the L1 Application.²
13. The quantum reflected on the order LTB-L-100738-25 issued on February 19, 2026, flows directly from the evidence and submissions presented during the hearing on February 10, 2026.

² Subsection 87(1) of the *Residential Tenancies Act, 2006*.

14. If the Landlord wanted to claim any amounts related to the rental period starting October 1, 2025, and ending October 31, 2025, they ought to have included this rental period on their L1 Application, or ought to have sought to amend the L1 Application either prior to or during the February 10, 2026, hearing.³
15. The Landlord had not requested any such amendments prior to submitting their request to review on April 17, 2026.
16. The Board's review process is not an opportunity for a party to re-argue an application that has been finally determined, nor is it an opportunity to present a better case by changing or perfecting their litigation strategy after the fact.
17. Accordingly, as I am not satisfied that there is a serious error in the order or that a serious error occurred during the proceedings, the Landlord's request to review the order LTB-L-100738-25, issued on February 19, 2026, shall be denied.

It is ordered that:

1. The request to review the order LTB-L-100738-25 issued on February 19, 2026, is denied.
2. The order LTB-L-100738-25 issued on February 19, 2026, is confirmed and remains unchanged.

June 18, 2026
Date Issued

Alexandre Traboulsi
Member, Landlord and Tenant Board

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If you have any questions about this order, call 416-645-8080 or toll free at 1-888-332-3234.

³ Subsection 200(1) of the *Residential Tenancies Act, 2006*.