



Order under Section 135 Residential Tenancies Act, 2006

File Number: LTB-T-094830-25

In the matter of: 11 WOODFIELD DR
NEPEAN ON K2G3Y3

Between: Chelsea Nooyen Tenant

And

Jonathan Nickel Landlord

Chelsea Nooyen (the 'Tenant') applied for an order determining that Jonathan Nickel (the 'Landlord') collected or retained money illegally.

This application was heard by videoconference on April 16, 2026.

Only the Tenant attended the hearing.

As of 9:47 a.m., the Landlord was not present or represented at the hearing although properly served with notice of this hearing by the LTB. There was no record of a request to adjourn the hearing. As a result, the hearing proceeded with only the Tenant's evidence.

Determinations:

1. As explained below, the Tenant did not prove the allegations contained in the application on a balance of probabilities. Therefore, the application is dismissed.
2. The Tenant testified that they paid \$1,500.00 to the Landlord on October 4, 2023, and did not take possession of the rental unit.
3. This application was filed under section 135 of the *Residential Tenancies Act, 2006* (the 'Act').
4. Section 135(4) of the Act states:

"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."

5. After review of the file, I find that the Tenant filed the application after the one-year period that the amount was collected by the Landlord, and in addition the Tenant filed the application after the one-year period after they vacated the rental unit.
6. Therefore, the Tenant's application must have been filed no later than October 4, 2024, to comply with this provision. I am not satisfied that the Tenant filed their application within one year of paying the amount to the Landlord. Therefore, I must dismiss this application for this reason.

It is ordered that:

1. The Tenant's application is dismissed.

June 19, 2026
Date Issued

Samantha Greaves
Member, Landlord and Tenant Board

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