



Order under Section 135 Residential Tenancies Act, 2006

File Number: LTB-T-029183-26

In the matter of: 1411, 5007 Highway 21
Port Elgin ON N0H2C5

Between: Mariana Wahba Tenants
Jamie Bruce McTaggart

And

Westcan Cedar Grove LP Landlord

Mariana Wahba and Jamie Bruce McTaggart (the 'Tenants') applied for an order determining that Westcan Cedar Grove LP (the 'Landlord') collected or retained money illegally.

This application was heard by videoconference on June 24, 2026.

The Landlord's legal representative, Lockhart Fulton and the Tenants attended the hearing.

Determinations:

1. At the hearing, the Landlord's representative advised that the Landlord was not disputing the allegations contained in the application. He acknowledged that the transfer fee paid by the Tenants constituted an illegal charge under the *Residential Tenancies Act, 2006* (the 'Act') and conceded that the Tenants are entitled to the remedy claimed in the application.
2. The Landlord's representative further advised that the Landlord has been in receivership since April 26, 2026. He submitted that any amount ordered by the Board would form part of the claims process in the receivership and that there are currently no funds available to reimburse the Tenants. The Tenants acknowledged that they were notified prior to the hearing that the Landlord was in receivership.
3. I accept the Landlord's admission that the transfer fee was collected contrary to the Act. The evidence before me establishes that the Tenants paid an amount that the Landlord was not entitled to charge. Accordingly, pursuant to the Board's remedial authority under the Act, the Tenants are entitled to reimbursement of the illegal charge in the amount claimed in the application.
4. The existence of the receivership does not affect the Board's jurisdiction to determine the parties' rights and obligations under the Act or to grant the appropriate remedy. Whether, and in what manner, the Board's order is enforced or satisfied is a separate matter that is

governed by the applicable insolvency and receivership proceedings. The Landlord's financial circumstances do not extinguish the Tenants' entitlement to the remedy provided under the Act.

5. For the reasons given, an order will be issued determining the Landlord collected a charge which is not allowed by the Act, and to include that the Landlord is to pay the Tenants the amount claimed in the application, representing reimbursement of the illegal charge.

It is ordered that:

1. The total amount the Landlord shall pay the Tenants is \$7,039.59 This amount represents:
 - \$6,853.59 for the illegal charge collected.
 - \$48.00 for the cost of filing the application.
2. The Landlord shall pay the Tenants the full amount owing by July 11, 2026.
3. If the Landlord does not pay the Tenants the full amount owing by July 11, 2026, the Landlord will owe interest. This will be simple interest calculated from July 12, 2026 at 4.00% annually on the balance outstanding.

June 30, 2026
Date Issued

Christina Philp
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.