



Order under Section 135 Residential Tenancies Act, 2006

File Number: LTB-T-101763-25

In the matter of: 608, 21 Maynard Ave
Toronto ON M6K2Z8

Between: Willis Atagu Tenant

And

940412 Ontario Ltd c/o Arcanos Property Landlord
Management Corporation

Willis Atagu (the 'Tenant') applied for an order determining that 940412 Ontario Ltd c/o Arcanos Property Management Corporation (the 'Landlord') collected or retained money illegally.

This application was heard by videoconference on May 11, 2026.

The Tenant, the Landlord's Legal Representative Elaine Page, and the Landlord's Agent Chantel Kerr attended the hearing.

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 he paid \$1,600.00 to the Landlord on May 13, 2022, \$841.64 of which was applied to the first partial rental period, and the balance still being held by the Landlord as a deposit.
3. The Landlord's Agent testified that neither a last month's rent deposit nor a key deposit was required. The Agent explained that the Tenant's overpayment was applied to his account as a credit which was then used for months when the Tenant underpaid rent.
4. Having reviewed the tenancy agreement and the rent ledger, I am satisfied that the payment on May 13, 2022, was prepaid rent, not a deposit, and was properly applied to the Tenant's account. The Landlord is no longer holding those funds. Therefore, this claim is dismissed.
5. The Tenant testified that he overpaid one month of rent on July 5, 2023, due to the month of May 2023 being a credit. The rent ledger has a note next to this payment entry stating,

“keep payment until he moves out”, which the Tenant understood to mean that the Landlord is unlawfully holding these funds as a deposit.

6. The Landlord’s Agent testified that, despite the note, the overpaid rent was applied to subsequent months when the Tenant underpaid rent. The Landlord is no longer holding those funds.
7. Having reviewed the rent ledger, I am satisfied that the payment on July 5, 2023, was properly applied to the Tenant’s account and is not being held as a deposit. The Landlord is no longer holding those funds. Therefore, this claim is dismissed.
8. The Tenant also claimed that interest on the last month’s rent deposit has not been paid to him by the Landlord. Given that the Landlord is not holding any deposits for the Tenant, no interest is owing. This claim is dismissed.

It is ordered that:

1. The Tenant’s application is dismissed.

June 30, 2026
Date Issued

Kate Sinipostolova
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.