



**Order under Section  
Residential Tenancies Act, 2006**

**Citation:** Vozdvijenski v Min, 2023 ONLTB 32902

**Date:** 2023-04-28

**File Number:** LTB-T-076839-22  
(formerly TST-19876-21)

**In the matter of:** 2616, 98 Lillian Street  
Toronto ON M4S0A5

**Between:** Jihye Min Landlord

**And**

Alexandr Vozdvijenski Tenants  
Twina Alfonso

2023 ONLTB 32902 (CanLI)

**Your file has been moved to the Landlord and Tenants Board’s new case management system, the Tribunals Ontario Portal. Your new file number is LTB-T-076839-22**

Alexandr Vozdvijenski and Twina Alfonso (the 'Tenants') applied for an order determining that Jihye Min (the 'Landlord') has collected or retained money illegally.

This application was heard by videoconference on January 18, 2022.

The Landlord and the Tenants attended the hearing.

**Determinations:**

1. This is a T1 Tenants Application for a Rebate of Money the Landlord Owes.
2. The Tenants are claiming that they paid an illegal charge of \$600.00 to the Landlord as a cleaning deposit and that the Landlord is not returning this money to them after they moved out of the rental unit.

Tenant’s submission

3. Uncontested testimony from the Tenants was that they moved into the rental unit on April 15, 2017 and moved out November 15, 2020.
4. The Tenants submitted a series of pictures depicting the condition of the rental unit, pictures included the living room, the bedrooms, the bathroom and washer and dryer. All areas appear to be clean, in a reasonable state of cleanliness.
5. The Tenants also submitted a copy of an invoice that they paid to CM Quick clean in the amount of \$140.00 as payment for cleaning the rental unit.

## Landlord's submission

6. The Landlord submitted a copy of an invoice for cleaning of the rental unit for work performed on November 30, 2020
7. The Landlord submitted several pictures of the rental unit including a picture of
  - a) a bathroom ceiling fan that appears to have dust on it
  - b) water streaks on the water closer
  - c) a moldy pole in the bathroom
  - d) a stove that needs further cleaning
  - e) a stove hood filter that requires cleaning
  - f) a filter that requires changing/cleaning for the air conditioning unit
  - g) a dishwasher cover gasket that has mold
  - h) wear and tear of bedroom walls – 12 spots were identified.

Residential Tenancies Act, 2006 (the "Act")

8. Section 3 (1) of the Act states that

*"This Act, except Part V.1, applies with respect to rental units in residential complexes, despite any other Act and despite any agreement or waiver to the contrary.*

*This section means that landlords and tenants cannot contact out of their obligations under the Act"*

9. Section 20 (1) of the Act states that

*"A landlord is responsible for providing and maintaining a residential complex, including the rental units in it, in a good state of repair and fit for habitation and for complying with health, safety, housing and maintenance standards."*

Analysis

10. In this case I satisfied the Tenants left the rental unit in a state of uncleanliness and or in a state of good repair. Although the Landlord made submissions about the state of the unit, the items they submitted are minor in nature, the responsibility of the Landlord and or are standard wear and tear and not neglect by the Tenants. As a result I will be awarding the Tenants the sum of \$600.00 as claimed in the application.

**It is ordered that:**

1. The Landlord shall pay to the Tenants the sum of \$600.00, the amount claimed in the application.
2. The Landlord shall also pay to the Tenants \$53.00 for the cost of filing the application.

3. If the Tenants does not pay the Landlord the full amount owing on or before June 2, 2023, the Tenants will start to owe interest. This will be simple interest calculated from June 3, 2023 at 6.00% annually on the balance outstanding.

**June 2, 2023**  
**Date Issued**

\_\_\_\_\_  
**Peter Pavlovic**  
Member, Landlord and Tenants 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.