



Order under Section 31 Residential Tenancies Act, 2006

File Number: LTB-T-094447-24

In the matter of: 3 CARRIAGE LANE
NORTH YORK ON M2 R3V6

Between: Ahmet Sergen Gultekin
Batuhan Yuksel
Umut Cetin
Kemal Filizer Tenants

and

Jianping Xie Landlord

Ahmet Sergen Gultekin, Batuhan Yuksel, Umut Cetin and Kemal Filizer (the 'Tenants') applied for an order determining that Jianping Xie (the 'Landlord'):

- entered the rental unit illegally.
- substantially interfered with the reasonable enjoyment of the rental unit or residential complex by the Tenant or by a member of their household.
- harassed, obstructed, coerced, threatened or interfered with the Tenant.

This application was heard by videoconference on February 23, 2026.

The Tenant Ahmet Sergen Gultekin and the Landlord attended the hearing.

Determinations:

1. The Tenants withdrew their claim for monetary relief but submitted that the Landlord should be ordered to pay an administrative fine. The allegations against the Landlord are in substance about breach of privacy. The Tenants say they rented the whole house but the Landlord illegally entered the basement taking the position that she lived there. The Tenants say this was a ruse so the Landlords could shirk their responsibilities under the *Residential Tenancies Act, 2006* (the 'Act') by fabricating a pretext to bring the rental unit within the exemption contained in paragraph 5(i) of the Act. The Tenants add the Landlord did not deliver the whole of the house as agreed because a third person was also living in the rental unit unbeknownst to them.
2. The Board's Interpretation Guideline 16 *Administrative Fines* dated December 15, 2018 states that an administrative fine is a remedy to be used to encourage compliance with the

Act and to deter landlords from engaging in similar activity in the future. This Guideline is not binding on me but I accept it as the correct interpretation of paragraph 3 of subsection 57(3) of the Act.

3. This remedy is not normally granted unless a landlord has shown a blatant disregard for the Act and other remedies will not provide an adequate deterrence and compliance. The objectives of deterrence involve both specific and general deterrence. I must consider the nature and severity of the breach, the effect of the breach on the tenant, and any other relevant factors.
4. I find that the application must be dismissed because the remedy requested is not available on these facts. I am not satisfied that the breaches alleged against the Landlords, even if proven, could be characterised as a blatant disregard of the Landlord's duties under the Act meriting an administrative fine because the Tenants' testimony confirms that there appears to have been a genuine disagreement about the scope of the premises conveyed by the tenancy agreement.

It is ordered that:

1. The application is dismissed.

February 26, 2026
Date Issued

Nersi Makki
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.