



Order under Section 135 Residential Tenancies Act, 2006

File Number: LTB-T-072549-25

In the matter of: 545, 7 GOLDEN LION HTS
NORTH YORK ON M2M0C1

Between: Jiwoo Kim Applicant

And

Jeonglan Kim Landlord

Jiwoo Kim (the 'Applicant') applied for an order determining that Jeonglan Kim (the 'Landlord') collected or retained money illegally.

This application was heard by videoconference on March 18, 2026.

The Landlord, the Landlord's Interpreter, Lily Kim, the Applicant and the Applicant's Interpreter attended the hearing.

Determinations:

1. At the hearing, it was clarified that Jeonglan Kim (JK) is the Tenant at Unit 545, 7 Golden Lion Heights, North York, ON. JK submitted a copy of her lease agreement to establish she and Mi Ryung Kim are listed on the tenancy agreement as the tenants, and the landlord is Sung Hun Kim. JK testified that she moved into the rental unit on June 1, 2024.
2. The Applicant testified that she did not know that JK was not the landlord as JK acted as though she was the landlord while showing the rental unit. The Applicant testified they had never met with Sung Hun Kim, who is identified as the landlord of the rental unit on JK's tenancy agreement.
3. Based on the evidence, I am satisfied on a balance of probabilities that the Applicant is an occupant, and as a result their application must be dismissed because they do not have the standing to bring it.
4. The term "landlord" is defined in section 2(1) as including "the owner of a rental unit or any other person who permits occupancy of a rental unit, other than a tenant who occupies a rental unit in a residential complex and who permits another person to also occupy the unit or any part of the unit" (emphasis added). It is clear that JK is a tenant under a tenancy they have with Sung Hun Kim. As a tenant, JK cannot therefore be the Applicant's

landlord. Moreover, the Applicant conceded that they did not enter into a contractual relationship with the landlord named on JK's tenancy agreement.

5. Further, pursuant to *Interpretation Guideline 21: Landlords, Tenants, Occupants and Residential Tenancies*, a roommate or an occupant lives in the rental at the invitation and at the indulgence of the tenant and under the terms of the tenancy. An occupant or a roommate cannot file an application at the LTB relating to the tenancy against either the landlord or the tenant. Where the occupant pays part of the rent directly to the tenant, the occupant does not become a tenant.
6. As the Applicant is an occupant, she is unable to bring an application before the LTB and the application must be dismissed.

It is ordered that:

1. The Applicant's application is dismissed.

April 9, 2026
Date Issued

Allana McComb
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.