



Order under Section 135 Residential Tenancies Act, 2006

File Number: LTB-T-000485-26

In the matter of: 151 TOWNSGATE DR
THORNHILL ON L4J8J7

Between: Seonghyuk Noh Tenant

And

Jun Sung Park Landlord

Seonghyuk Noh (the 'Tenant') applied for an order determining that Jun Sung Park (the 'Landlord') collected or retained money illegally.

This application was heard by videoconference on May 6, 2026.

The Landlord, the Landlord's interpreter Daniel Park, and the Tenant attended the hearing.

On consent of the parties, Daniel Park translated from English to Korean for both the Tenant and the Landlord.

Determinations:

1. At the commencement of the hearing, the Landlord asserted that the *Residential Tenancies Act, 2006* (the 'Act') did not apply to the tenancy pursuant to section 5(i) of the Act which states:

"5 This Act does not apply with respect to,

(i) living accommodation whose occupant or occupants are required to share a bathroom or kitchen facility with the owner, the owner's spouse, child or parent or the spouse's child or parent, and where the owner, spouse, child or parent lives in the building in which the living accommodation is located".
2. The parties agreed in the hearing that the agreement formed between the parties was that the Tenant would rent a room from the Landlord, who is the owner of the unit. The agreement was that the Landlord would be residing in the same building/living in a different bedroom and would be sharing a kitchen with the Tenant.

3. Accordingly, the Act does not apply to the agreement formed between the parties and I do not have jurisdiction to consider the Tenant's claim.

It is ordered that:

1. The Tenant's application is dismissed.

May 13, 2026
Date Issued

Madeline Ntoukas
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.