



Order under Section 135 Residential Tenancies Act, 2006

File Number: LTB-T-100413-24

In the matter of: Unit 605, 1900 SIMCOE ST N
OSHAWA ON L1G4Y3

Between: Ying Wang Tenant

And

Guipeng Xu Landlord

T1 application

Ying Wang (the 'Tenant') applied for an order determining that Guipeng Xu (the 'Landlord') collected or retained money illegally.

T2 application

The Tenant also applied for an order determining that the Landlord:

- entered the rental unit illegally.

T6 application

The Tenant also applied for an order determining that the Landlord failed to meet the Landlord's maintenance obligations under the *Residential Tenancies Act, 2006* (the 'Act') or failed to comply with health, safety, housing or maintenance standards.

This application was heard by videoconference on April 13, 2026.

The Tenant's legal representative, Cuiwen Hu, the Tenant and the Landlord attended the hearing.

Determinations:

1. As explained below, the Tenant proved some of the allegations contained in the application on a balance of probabilities.
2. The Tenant moved into the rental unit on September 1, 2023 and vacated on November 30, 2024.

3. The Tenant filed the T1, T2 and T6 application with the Board on December 5, 2024.

T1 application

4. The Tenant claims the Landlord owes the Tenant interest that was not applied to the last month rent deposit in the amount of \$80.00.
5. The Landlord does not dispute the arrears.
6. With the totality of the evidence and submissions before me and on a balance of probabilities I find the Tenant has proved the allegations in the T1 application.
7. Therefore, the Landlord owes the Tenant \$80.00.

T2 application

8. At the hearing the Tenant's legal representative submitted that the Tenant wished to proceed on one claim in the T2 application for the claim of a single illegal entry on November 9, 2024. The Tenant requested to amend the remedy the Tenant is seeking under Remedy 1 Abatement from \$1,800.00 to \$500.00.
9. The Tenant requested to withdraw the allegation for substantial interference and the requested Remedy 11 Other Remedy in the amount of \$3,000.00.
10. The Landlord did not object to the Tenant's request.
11. The Board's Rules of Procedure section 15 on amending applications the day of the hearing allows a member to exercise discretion to grant a request to amend made the day of the hearing if the member is satisfied the request is appropriate, would not prejudice any party and is consistent with a fair and expeditious proceeding.
12. Based on the Tenant's request and the Landlord's consent the Tenant's request to amend to withdraw the substantial interference and reduce the abatement remedy is not prejudicial to the Landlord, therefore the Tenant's request is granted.
13. The application is amended and reflected in this order.

Illegal entry

14. The Tenant's T2 application claims the Landlord or the Landlord's agent illegally entered the rental unit on November 9, 2024.
15. The Tenant filed documentary evidence (DOC-7708328) and video evidence (DOC-7708331) with the Board to support the claims in the application.

16. The Tenant's position is the Landlord informed her he was going to list the residential complex for sale and would be scheduling showings with realtors and potential buyers.
17. On November 8, 2024 at 9:18am The Landlord texted the Tenant attaching a picture of a hand written notice of entry for November 9, 2024 between 5:15pm and 5:45pm. The Tenant requested that the Landlord be in attendance for the showing as she was unavailable that day. The Landlord stated he would attend.
18. The Tenant's position is on November 9, 2024 at 4:23pm individuals entered the rental unit. The video evidence filed by the Tenant was taken by a motion activated camera in the Tenant's rental unit and the Tenant was notified on her mobile phone.
19. At approximately 4:26 pm on the same day, the landlord can be seen entering the rental unit and addresses the realtor and potential buyers.
20. The Tenant called the Landlord after receiving the notice on her mobile phone and the Landlord informed the Tenant he had added a showing and the realtor had shown up early and let himself in.
21. The Tenant is seeking \$500.00 for the illegal entry as compensation.
22. The position of the Landlord is that the realtor and potential buyer showed up early ahead of the Landlord and let themselves in.
23. The Landlord stated that the realtor scheduled for 5:15pm showed up early and entered the rental unit, then returned again with different individuals who were with the group that entered early.
24. The Landlord states the entry is valid as they parties were all from the same showing although some individuals showed up early.

Analysis

25. Section 27 of the *Residential Tenancies Act*, 2006 (the "Act") states:

Entry with notice

Same

(2) A landlord or, with the written authorization of a landlord, a broker or salesperson registered under the Trust in Real Estate Services Act, 2002, may enter a rental unit in accordance with written notice given to the tenant at least 24 hours before the time of entry to allow a potential purchaser to view the rental unit. 2006, c. 17, s. 27 (2); 2020, c. 1, s. 36.

Contents of notice

(3) The written notice under subsection (1) or (2) shall specify the reason for entry, **the day of entry and a time of entry** between the hours of 8 a.m. and 8 p.m. 2006, c. 17, s. 27 (3).

[emphasis added]

- 26. With the totality of the evidence and submissions before me and on a balance of probabilities I find the Landlord or his agent has illegally entered the rental unit.
- 27. The Landlord specified the time of 5:15pm for the showings to start. As the video shows individuals can be seen entering the rental unit at 4:23pm, almost one hour prior to the Landlord's notice.

Remedy

- 28. The Tenant seeks a remedy of an abatement of rent in the amount of \$500.00.
- 29. There is no guidance in the Act to assist the Member in determining the amount of an abatement of rent. The Board's Interpretation Guideline 5 provides some guidance on rent abatement. In determining the amount to be ordered, the Member will consider the period of time that the problem existed and the severity of the problem in terms of its effect on the tenant. The test should be the impact on the average tenant or the impact a reasonable person would expect this problem to have had on a tenant.
- 30. The Tenant was not in the rental unit at the time of the illegal entry. The Tenant led with insufficient evidence to the severity the illegal entry had on her.
- 31. There are no records of the Landlord having prior claims of illegal entry in the rental unit and in my view there is little impact to the Tenant given the Tenant was not in the rental unit at the time of the illegal entry.
- 32. Given the above, I find an abatement for a one-time entry of \$100.00 to be reasonable under the circumstances.

Tenant T6 application

- 33. At the hearing the Tenant requested the consent of the Board to withdraw the application.
- 34. The Landlord did not object to the Tenant's request.
- 35. In accordance with subsection 200(4) of the Act, I consent to the withdrawal of the application.

It is ordered that:

1. T1 application
2. The Landlord shall pay to the Tenant the amount of \$80.00 for interest owed on the last month rent deposit.
3. T2 application
4. The Landlord shall pay to the Tenant the amount of \$100.00 for rent abatement for the illegal entry.
5. T6 application
6. The Tenant's T6 application is withdrawn and the Board's file is closed.
7. The total amount the Landlord shall pay to the Tenant is \$228.00. This amount represents:
 - \$100.00 for the illegal charge collected.
 - \$80.00 for interest on the last month's rent deposit.
 - \$48.00 for the cost of filing the application.
8. The Landlord shall pay the Tenant the full amount owing by May 30, 2026.
9. If the Landlord does not pay the Tenant the full amount owing by May 30, 2026, the Landlord will owe interest. This will be simple interest calculated from May 31, 2026 at 4.00% annually on the balance outstanding.

May 19, 2026
Date Issued

Greg Brocanier
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.