



Order under Section 135 Residential Tenancies Act, 2006

File Number: LTB-T-012431-26

In the matter of: 22 Jallan Drive North
Ajax On L1S6J2

Between: Mark Fera Tenant

And

Kaiting Zhang Landlord

Mark Fera (the 'Tenant') applied for an order determining that Kaiting Zhang (the 'Landlord') collected or retained money illegally.

This application was heard by videoconference on May 25, 2026. Only the Landlord's agent, Samson Fang, and the Landlord's legal representative, Rong Wei Yu, attended the hearing. As Tenant was not present or represented at the hearing although properly served with notice of this hearing by the LTB. There was no record of a request to adjourn the hearing.

Determinations:

1. Since the Tenant did not attend the hearing to support their application, I find that this application has been abandoned.
2. The Landlord's legal representative asked the Board to consider making an order that the Tenant pay his preparation and attendance costs in the amount of \$200.00.
3. The LTB has a discretionary power similar to that of the Courts to order costs. Generally, costs may be ordered where a party's conduct in the proceeding was unreasonable. Conduct is unreasonable if it causes undue expense or delay and includes the following:
 - Bringing a frivolous or vexatious application or motion;
 - Initiating an application or any procedure in bad faith;
 - Taking unnecessary steps in a proceeding;
 - Failing to take necessary steps, such as those required by the *RTA* or Rules;
 - Any misconduct at the hearing or in the proceeding;
 - Raising an issue which is irrelevant to the proceedings and continuing to pursue that issue after the Member has pointed out that it is irrelevant;
 - Asking for adjournments or delays without justification;

- Failing to prepare adequately for the hearing;
 - Acting contemptuously toward the Member or showing a lack of respect for the process or the Board;
 - Failing to follow the directions of the Member or upsetting the orderly conduct of the hearing; and
 - Maligning another party or unreasonably slurring the character of the other party.
4. I am satisfied the Tenant initiated a frivolous application in bad faith. I say this for the following reasons.
5. The Tenant filed his application on February 3, 2026 the Landlord illegally evicted him from the rental unit on April 10, 2025 and illegally retained his last month's rent deposit and interest owing on the deposit. The Tenants allegations, however, have no merit as the tenancy was terminated by way of LTB Order LTB-L-026954-25, issued on July 3, 2025. It was noted in the Order that the Tenant's last month's rent deposit and the interest owing on the deposit would be applied to the arrears owing.
6. I find the Tenant's conduct to be unreasonable. First, the Tenant would have known before filing his application that the LTB terminated his tenancy and applied his deposit and interest to the arrears. This calls into question whether he brought this application in good faith. Second, he failed to attend the hearing after having been served with proper notice of the date, time and location of the hearing. His failure to attend the hearing caused unnecessary expense to the Landlord and the LTB.
7. I find it reasonable to order the Tenant to pay the costs of the Landlord's legal representative in the amount of \$200.00, which represent his costs for the preparation and attendance to the hearing.

It is ordered that:

1. The Tenant's application is dismissed.
2. The Tenant shall pay \$200.00 to Rong-Wei (Alec) Yu, R-Yu Legal Service Prof. Corp., 11A Glen Watford Drive, Suite 219, Scarborough, Ontario M1S 2B8, yu.alec@hotmail.com.
3. If the Tenant does not pay the Landlord's legal representative the full amount owing on or before June 12, 2026, the Tenant will start to owe interest. This will be simple interest calculated from June 13, 2026 at 4.00% annually on the balance outstanding.

June 1, 2026
Date Issued

Dawn Sullivan
Vice Chair, 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.