



Order under Section 135 Residential Tenancies Act, 2006

Citation: JOHNSTONE v CHU, 2026 ONLTB 47132

Date: 2026-06-22

File Number: LTB-T-023052-26

In the matter of: 1204, 30 ORDNANCE ST
TORONTO ON M6K0C8

Between: TRACY JOHNSTONE Tenant

And

JEFFREY CHU Landlord

TRACY JOHNSTONE (the 'Tenant') applied for an order determining that JEFFREY CHU (the 'Landlord') collected or retained money illegally.

This application was heard by videoconference on June 10, 2026.

Only the Tenant attended the hearing.

As of 10:50 a.m., the Landlord 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. As a result, the hearing proceeded with only the Tenant's evidence.

Determinations:

1. As explained below, the Tenant proved the allegations contained in the application on a balance of probabilities. Therefore, the Landlord must pay the Tenant \$1,553.00 by July 3, 2026.
2. The Tenant testified that she contacted the Landlord by text message on January 13, 2026 regarding the rental of a condo located at 1204-30 Ordinance Street in Toronto which was to commence on April 1, 2026.
3. The Tenant stated that she provided a last month's rent deposit to the Landlord on January 13, 2026 in the amount of \$1,500.00. She and the Landlord agreed to contact each other in February of 2026 to arrange for a viewing of the condo.
4. The Tenant stated that she texted the Landlord on February 13, 2026 to arrange for the viewing and she did not receive a response. After repeated text messages to the Landlord

and no response from the Landlord, the Tenant requested that her \$1,500.00 deposit be returned.

5. The Tenant provided a copy of the text messages between the parties.

Law and Analysis

6. Section 107(1) of the *Residential Tenancies Act*, 2006 states “A landlord shall repay the amount received as a rent deposit in respect of a rental unit if vacant possession of the rental unit is not given to the prospective tenant.”
7. The Tenant was not provided with keys for the rental unit and thus she was not given vacant possession of the rental unit. As such, the Tenant is entitled to the return of her last month’s rent deposit.
8. The Tenant’s application is successful.

It is ordered that:

1. The total amount the Landlord shall pay the Tenant is \$1,553.00. This amount represents:
 - \$1,500.00 for the last month’s deposit illegally retained by the Landlord; and
 - \$53.00 for the cost of filing the application.
2. The Landlord shall pay the Tenant the full amount owing by July 3, 2026.
3. If the Landlord does not pay the Tenant the full amount owing by July 3, 2026, the Landlord will owe interest. This will be simple interest calculated from July 4, 2026 at 4.00% annually on the balance outstanding.

June 22, 2026
Date Issued

Carrie Bertrand
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.