



Order under Section 135 Residential Tenancies Act, 2006

Citation: SHIVAM v Ping, 2026 ONLTB 49016

Date: 2026-06-29

File Number: LTB-T-027801-26

In the matter of: 28 KENSINGTON AVE
NORTH YORK ON M2M1R6

Between: Shivam Shivam Tenant

And

Zhentian Ping Landlord

Shivam Shivam (the 'Tenant') applied for an order determining that Zhentian Ping (the 'Landlord') collected or retained money illegally.

This application was heard by videoconference on June 17, 2026.

Only the Tenant attended the hearing.

As of 9:30 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 application is dismissed.
2. The Tenant seeks the return of \$1,800.00 paid to the Landlord on October 31, 2025 representing first and last month's rent.
3. This application is brought under section 107 of the *Residential Tenancies Act*, 2006 (the 'Act') which states:

Rent deposit, prospective tenant

107 (1) 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.

4. The parties entered into a tenancy agreement. The Landlord was willing to allow the Tenant to occupy the rental unit. Accordingly, the Tenant cannot seek the return of their rent deposit paid.
5. The Tenant testified that the unit was uninhabitable and that he did not move into the rental unit because it smelled of urine and feces, had broken stairs, dirty washrooms, insects and other issues.
6. The Tenant filed a T1 application to raise these claims. They are more appropriately the subject of a T6 application for maintenance where a party may claim that a unit was not maintained in accordance with section 20 of the Act, to the degree that they were not able to safely take occupancy. These claims cannot be advanced in the context of a T1 application because it is brought under section 107 of the Act. This section relates to circumstances where a landlord collects a deposit and then refuses to allow a prospective tenant to move into the rental unit.

It is ordered that:

1. The Tenant's application is dismissed.

June 29, 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.