



Order under Section 21.2 of the Statutory Powers Procedure Act and the Residential Tenancies Act, 2006

Citation: Kim v Park, 2026 ONLTB 49306

Date: 2026-06-22

File Number: LTB-T-056228-25-RV

In the matter of: 446, 150 Logan Avenue
Toronto Ontario M4M0E4

Between: Gahui Kim Tenant

And

Junseok Park Landlord

Review Order

Gahui Kim (the 'Tenant') applied for an order determining that Junseok Park (the 'Landlord') collected or retained money illegally.

This application was resolved by order LTB-T-056228-25 issued on June 18, 2026. A hearing was held on February 24, 2026 where both the Tenant and the Landlord attended.

On June 20, 2026, the Landlord requested a review of the order.

A preliminary review of the review request was completed without a hearing.

Determinations:

1. In the review request, the Landlord states the order contains a serious error. However, the entirety of the review seeks to challenges the Member's findings of fact.
2. On the basis of the submissions made in the request, I am not satisfied that there is a serious error in the order.
3. By way of background, the issue to be determined was whether the Landlord illegally retained the last month's rent deposit.
4. The order clearly sets out the parties' evidence and the Member's reasons to support the ultimate conclusion that the Landlord is in breach of the Act with respect to the last month's rent deposit and is ordered to pay to the Tenant the amount of the deposit and the cost to file the application.
5. The Landlord disagrees with the Member's findings and believes the Member should have come to a different conclusion.

6. In this case, the Member was in the best position to admit and consider the parties' relevant evidence and to make findings of fact. Having found the parties arrived at a mutual agreement to terminate the tenancy, it was reasonable for the Member to find that the Landlord was required to return the deposit to the Tenant as explained from paragraphs 6 to 11 of the order. This decision falls within a reasonable range of outcomes.
7. The Board has published Guideline # 8, entitled "Review of an Order", in order to assist parties in understanding how the Board normally approaches issues that arise. It is not binding on me but I find it informative, useful and choose to follow it. As noted in Guideline # 8, errors of fact can be successful grounds for review but only where the error of fact which "was material to the decision, and **was clearly an unreasonable finding considering the evidence** which was before the Member" [emphasis added]. Here, the Landlord's request for review contains a wide rejection of the Member's findings of fact but there is nothing in the request for review suggestive of the possibility that there was no evidence to support the Member's findings of fact, or that the Member applied incorrect principles or considerations in arriving at his findings of fact, or that the findings were otherwise unreasonable or capricious.
8. The review essentially pleads that the result is unfair. In effect, in the request for review, the Landlord seeks to revisit the Member's conclusion in its entirety. The Landlord was in attendance at the hearing and had ample opportunity to present evidence and to challenge the evidence of the Tenant's by way of cross-examination and/or documentary evidence in support of his claim. The purpose of the review process is not to provide parties with an opportunity of presenting a better or different case than they did at first instance.
9. In my estimation, the Member's conclusions are based on an evaluation of the sufficiency of the evidence presented by both parties at the hearing. I will not interfere with the assessment of the evidence by the Member of first instance, who had the opportunity of observing the witnesses and of hearing the evidence in its totality.
10. The Landlord has therefore not demonstrated that a serious error may exist in the June 18, 2026 order, or that a serious error may have occurred in the proceedings. The request to review the order must accordingly be denied.

It is ordered that:

1. The request to review order LTB-T-056228-25 issued on June 18, 2026 is denied. The order is confirmed and remains unchanged.

June 22, 2026
Date Issued

Dana Wren
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.