



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

**Citation:** Jaifri v. Zhou, 2023 ONLTB 41131

**Date:** 2023-05-26 **File Number:**  
LTB-T-001383-23-RV

**In the matter of:** 4205, 125 Blue Jays Way  
Toronto ON M5V0N5

**Between:** Aini Jaifri Tenants  
Cassis Varlow  
Sharon Mosher

### And

Austin Zhou Landlords  
Xiaoe Qian

### Review Order

Aini Jaifri, Cassis Varlow and Sharon Mosher (the 'Tenants') applied for an order determining that Austin Zhou and Xiaoe Qian (the 'Landlords') have collected or retained money illegally.

This application was resolved by order LTB-T-001383-23, issued on May 18, 2023.

On May 24, 2023, the Landlord requested a review of the order.

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

### Determinations:

1. On the basis of the submissions made in the request, I am not satisfied that there is a serious error in the order or that a serious error occurred in the proceedings.
2. The Landlords disagree with the May 18, 2023 order that finds that the Landlords illegally retained a key deposit. The Landlords write in the review request that they retained the key deposit because they believe the Tenants damaged the rental unit upon vacating the unit.
3. The Landlords' explanation is not a valid reason for retaining the Tenants' key deposit. Section 17 of *Ontario Regulation 516/06* ('O.Reg. 516/06') only permits a landlord to collect a refundable key deposit that is in an amount equal to the replacement cost for keys.

Neither the *Residential Tenancies Act, 2006* (the 'Act'), nor O.Reg. 516/06, permits a landlord to collect or retain a key deposit for alleged damage to a rental unit.

4. The May 18, 2023 order therefore correctly determined that the Landlords illegally retained a key deposit from the Tenants.

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**Tribunals Ontario**  
Landlord and Tenant Board

**Tribunaux décisionnels Ontario**  
Commission de la location immobilière

5. The Landlords submit in the review request that they were not reasonably able to participate in the May 3, 2023 hearing. The Landlords believe that the Board sent its notice of hearing to an incorrect email address.
6. Although this Board and the Courts recognize the significant importance of the right to attend a hearing, I find in this circumstance that it is not appropriate to order that a review hearing be scheduled. In arriving at my conclusion, I note that the Landlord does not dispute the May 18, 2023 order requiring the Landlords to pay interest of \$43.08 on the Tenants' rent deposit. Instead, the Landlords only dispute the order to refund the Tenants' key deposit.
7. Rule A3.1 of Tribunal Ontario's common rules requires the Board interpret Rules of Procedure in a manner that promotes the expeditious resolution of disputes. Here, having determined that the Landlords' explanation for retaining the key deposit is not supported by law, I find that holding a review hearing would be inconsistent with Rule A3.1. It is therefore appropriate to derogate from Rule 26.1 of the Board's Rules of Procedure and in the circumstances deny the request to review the May 18, 2023 order.

**It is ordered that:**

1. The request to review order LTB-T-001383-23, issued on May 18, 2023, is denied. The order is confirmed and remains unchanged.

**May 26, 2023**  
**Date Issued**

15 Grosvenor Street, Ground Floor Toronto  
ON M7A 2G6

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Harry Cho

Vice Chair, Landlord and Tenant Board

If you have any questions about this order, call 416-645-8080 or toll free at 1-888-332-3234.

