

**CITATION:** Xiao v. City of Toronto, 2026 ONSC 2283  
**DIVISIONAL COURT FILE NO.:** 987/25  
**DATE:** 20260417

**SUPERIOR COURT OF JUSTICE – ONTARIO  
DIVISIONAL COURT**

**RE:** SUPING XIAO AND QUANGENG YUAN

**AND:**

CITY OF TORONTO

**BEFORE:** Matheson J.

**COUNSEL:** *Quangeng Yuan, Self-Represented*

*Ryan Krahn, for the Respondent*

**HEARD at Toronto:** In writing.

**ENDORSEMENT**

[1] Quangeng Yuan/Suping Xiao have been given notice that the Court is considering making an order staying or dismissing this proceeding under r. 2.1.01 of the *Rules of Civil Procedure*. The following directions were given in this regard:

The moving party Suping Xiao seeks an extension of time to bring an application for judicial review from the revocation of her short-term rental licence on May 8, 2025. However, it appears that party is deceased. The notice also names her daughter Quangeng Yuan but does not name the estate. There is a reference to the daughter having a power of attorney, but that type of document does not provide any authority after death. A will has also been filed, which shows the daughter as the executor and as the beneficiary of the property at issue, subject to various trusts, but there is nothing to suggest that the daughter is now the registered owner of the property.

The City has raised a number of preliminary issues, as set out in the email dated January 9, 2026. Among other things, the City notes that even if an extension of time was granted, the application would be moot because a short-term rental licence cannot be in the name of a deceased person and is non-transferable. The City requests that the Court initiate the process under r. 2.1 of the *Rules of Civil Procedure*.

Rule 2.1.01(1) of the *Rules of Civil Procedure* provides that the Court may make an order staying or dismissing a proceeding that appears on its face to be frivolous or vexatious or otherwise an abuse of the process of the Court. If it may be appropriate to make an order under subrule (1), the Court shall direct the Registrar to give notice to the parties that the proceeding may be stayed or dismissed. The process provides an opportunity for the moving parties to make written submissions in response, which are then considered by the Court. In this instance, Suping Xiao cannot do so but her daughter Quangeng Yuan and an estate trustee (if one has been appointed) may do so.

I note that if Quangeng Yuan qualifies for a short-term rental licence, she may apply for one under the relevant by-law, from the City, not from the Court. A licence in her name would not be the result of the proposed application for judicial review in this Court.

The Registrar is directed to send out a notice under r. 2.1 of the *Rules of Civil Procedure* regarding both this motion and proposed application for judicial review. The issues raised in this email and the City's email referred to above should be addressed in the written response to the notice. The City's email will also be considered by the Court, but the City is not permitted additional submissions.

[2] Quangeng Yuan has made lengthy submissions in response to the r. 2.1 notice. She recounts at length her relationship with her parents and gives reasons why she should have an extension of time to pursue an application for judicial review regarding the revocation of the short-term rental licence that was obtained by her mother, now deceased. She also makes numerous allegations against the City. The submissions continue to rely on a power of attorney from her mother, which is not effective after death, and the will, which do not permit Quangeng Yuan to proceed on behalf of her mother in this way.

[3] The proposed notice of application seeks to quash the revocation of the mother's licence. The submissions do not address the issue that a deceased person cannot hold the licence, the non-transferrable nature of the licence, and other issues raised that prevent the daughter from obtaining a licence through this court proceeding. Instead, Quangeng Yuan submits that she and her mother are no longer seeking a transfer of the licence but a "quash of the current punishment and permission to apply for a new licence."

[4] Quangeng Yuan now submits that it is her father who is eligible for a licence, not her, and he can apply after the end of this month. If either of them qualifies for a short-term rental licence, they may apply for one in accordance with the relevant by-law, from the City, not from the Court. A licence in either of their names would not be the result of the proposed application for judicial review in this Court.

[5] Subrule 2.1.01(1) authorizes the Court to dismiss a proceeding as frivolous or vexatious or otherwise an abuse of the process of the court. However, r. 2.1 should only be used for “the clearest of cases”: *Scaduto v. The Law Society of Upper Canada*, 2015 ONCA 733, at para. 8. This is such a case. Quangeng Yuan has not shown that she has standing to pursue the relief on her own behalf or for either of her parents, nor is the relief sought (initially or now) available in the proposed judicial review proceedings.

[6] This Divisional Court proceeding is dismissed under r. 2.1 of the *Rules of Civil Procedure*.

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Matheson J.

**Date:** April 17, 2026