



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

Citation: Kumar v Bazian, 2026 ONLTB 2708

Date: 2026-01-05

File Number: LTB-L-062097-25-RV

In the matter of: 564 Blythwood Road
Toronto ON M4N1B5

Between: Vishal Kumar Landlord
Sakshi Rai

And

Elham Bazian Tenant
Arya Niggerh

Review Order

Vishal Kumar and Sakshi Rai (the 'Landlord') applied for an order to terminate the tenancy and evict Elham Bazian and Arya Niggerh (the 'Tenant') because:

- the Landlord in good faith requires possession of the rental unit for the purpose of residential occupation for at least one year.

This application was resolved by order LTB-L-062097-25 issued on December 4, 2025.

On December 29, 2025, the Tenant requested a review of the order.

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

Determinations:

1. The Tenant's request to review largely restates the Tenant's position on issues that were raised and addressed at the original hearing and voices their disagreement with the Member's determinations.
2. Interpretation Guideline 8 - Review of an Order states:

A review is not an appeal or an opportunity to change the way a case was presented.

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. There is nothing in the record or in the request for review to support a determination that the Member applied

improper principles in assessing the evidence introduced or that there was insufficient evidence before the Board to support its conclusions. I would 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.

TSL-51694-14-IN-RV (Re), 2015 CanLII 23959 (ON LTB) at para 10

3. The Tenant's disagreement with the Member's determinations is not sufficient grounds for review. There is no indication that the Member applied improper principles in assessing the evidence introduced in this case or that there was insufficient evidence before the Board to support the Member's conclusions. This is particularly true with respect to the Tenant's arguments regarding section 71.1.
4. The Tenant's arguments with respect to paragraph eight of the order are without merit. This paragraph simply states that the Tenant acknowledges that the Landlord paid the Tenant the compensation required under the Act, it does not suggest that the parties reached some broader agreement.
5. The Tenant's suggestion that the Landlord submitted letters referencing their good faith intention to move into the rental unit rather than affidavits is unsupported by the record (see affidavit Evidence ID 6117137).
6. I am not persuaded by the Tenant's arguments regarding relief from eviction. Interpretation Guideline 8 - Review of an Order states:

Orders granting relief from eviction (RTA s. 83(1)) or awarding specific remedies involve an exercise of the original hearing Member's discretion and are entitled to deference. The LTB will not exercise its discretion to review these types of decisions where the result is within the range of reasonable, acceptable outcomes. TSL-62420-15-RV (Re), 2015 CanLII 67891(ON LTB).

7. I am not persuaded, given the circumstances of this case, that the Member's refusal to dismiss the application or that the timing of the eviction date is outside the range of reasonable, acceptable outcomes.
8. As a result, based on 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 or that the Tenant was not reasonably able to participate in the proceeding.

It is ordered that:

1. The request to review order LTB-L-062097-25 issued on December 4, 2025 is denied. The order is confirmed and remains unchanged.

January 5, 2026
Date Issued

Richard Ferriss
Member, Landlord and Tenant Board

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