



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

File Number: LTB-L-102462-24-RV

In the matter of: #1, 105 RIVER ST
TORONTO ON M5A3P4

Between: ALEX CHANDERBHAN Landlord

And

NICK SMITH Tenant
MARY COMMANDA

Review Order

ALEX CHANDERBHAN (the 'Landlord') applied for an order to terminate the tenancy and evict NICK SMITH and MARY COMMANDA (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-102462-24 issued on January 5, 2026. (This matter was heard together with LTB-L-102459-24 issued on January 9, 2026)

On February 6, 2026, the Landlord requested a review of the order.

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

Determinations:

1. The request to extend time to file a review is granted, as the Landlord provided an explanation for the short delay.
2. The Landlord alleges there are serious errors in the Board order issued January 5, 2026 (the "Order").
3. By way of background, the Landlord's L2 Application was based upon a Form N12 for Landlord's own use. The member denied the Landlord's application on the basis the Landlord had not proven on a balance of probabilities the grounds for termination of the tenancy.
4. The Landlord's request to review (RTR) states the member erred in dismissing the Landlord's application based upon the Tenants' "*beliefs and speculations*", including the Tenants' purported speculation that the Landlord's cousin does not reside in one of the units and the Tenants' speculation the residential complex would be turned into condominium units.

5. Here, the Order shows the member was not satisfied the Landlord had satisfied the requisite burden of proof. The RTR submits the Landlord provided sufficient evidence for why 2 rental units were required for the Landlord's own use, notwithstanding the fact the Landlord admittedly did not intent to convert both units into one unit. On this issue, the member specifically noted the Landlord did "*not articulate a concrete plan*" as to why the Landlord required both units for personal and work-related reasons. While the RTR claims the member erred in making such a finding, the RTR, itself, merely states the Landlord needed the additional space to work and keep his "work materials". I do not find the member erred in finding insufficient information was given concerning the Landlord's intended usage.
6. While the RTR also states the member relied upon the Tenants' mere "speculation" that the Landlord's cousin was not living in the building, the Order shows otherwise. In particular, the Order shows the Tenants gave direct evidence as to their observations (or lack thereof) concerning the purported vacant unit which the Landlord asserted was occupied by his cousin. The Order also shows the Landlord's cousin did not attend the hearing to provide contradictory testimony as to his living situation. In the circumstances I find the member acted reasonably in giving more weight to the Tenants' evidence on this issue.
7. The RTR correctly notes that the condition of a vacant unit in the building does not establish bad faith, stating that "*the fact that the Landlord stated that there is an empty unit which is in disrepair which was not disputed by the Tenants, does not show bad faith*". The Order, however, shows that the member denied the Landlord's application on other grounds. In particular, the member noted gaps in evidence and an overall lack of reliability in the Landlord's testimony. As examples, the member noted the Landlord's conflicting evidence as to the number of units in the building, the Landlord's lack of detail as to the intended use for both units; and, the lack of evidence to rebut the Tenants' assertions that the Landlord's cousin did not reside in the building. Contrary to the suggestion in the RTR, the member's findings do not appear to be grounded in the Tenants' speculation about a proposed conversion of the building into condominium units.
8. While it is clear the Landlord disagrees with the member's findings, the purpose of the review process is not to provide parties with an opportunity of relitigating the issues in the hopes of a better outcome. Moreover, a request will not be granted simply because a review adjudicator might have come to a different conclusion about the evidence. As the Landlord has failed to outline a serious error in the Order or proceedings, the Landlord's RTR must therefore be denied.

It is ordered that:

1. The request to review order LTB-L-102462-24 issued on January 5, 2026 is denied. The order is confirmed and remains unchanged.

February 10, 2026
Date Issued

Peter Nicholson
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.