



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

File Number: LTB-T-072721-23-RV2

In the matter of: Road, 88 Santa Barbara
North York ON M2N2C2

Between: Seyed mohammad hossein Bani-hashemian Tenant

And

Olga Zato wkaniuk Landlord

And

Seyed mohammad hossein Bani-hashemian Former
Tenant

Review Order

Seyed mohammad hossein Bani-hashemian (the 'Tenant') applied for an order determining that Olga Zato wkaniuk (the 'Landlord') :

- entered the rental unit illegally.
- substantially interfered with the reasonable enjoyment of the rental unit or residential complex by the Tenant or by a member of their household.

This application was resolved by order LTB-T-072721-23 issued on January 19, 2026 as a result of a hearing that took place on September 4, 2025, November 27, 2025 and January 5, 2026 where all parties and their representatives were in attendance.

On February 17, 2026, the Landlord requested a review of the order.

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

Determinations:

1. For the reasons that follow the request to review is denied and the order remains unchanged.

Request to Review

2. The Landlord's request to review alleges the order contains serious errors of law and an unreasonable exercise of discretion. Essentially the Landlord is disputing the outcome of the order and articulates the following serious errors:
 - a) Finding that the Tenant was reasonably induced to move;
 - b) Awarding a 12-month rent differential;
 - c) Finding illegal entries; and
 - d) "Failing to apply causation principles properly."
3. With respect to the allegation of the first serious error, the Landlord submits it was an error on the Member's part to find that the Tenant moved out of the rental unit because he had to share a washroom with the Landlord, when the Tenant confirmed that the Landlord never used the bathroom.
4. The problem with the Landlord's train of thought is that the substantial interference finding that was made, was not only about the Landlord's demand to use the bathroom and whether or not that manifested, but also the Landlord's unilateral conduct of connecting her living space to the Tenant's unit through the bathroom, by a door that could not be locked on the Tenant's side- exposing him to the possibility of losing his privacy and putting him in a potentially compromising position. This is articulated in paragraphs 12 and 23 of the order that is the subject of this review. The Member considers the Landlord's argument that the Tenant intended to move anyway but found it was vague and contradictory (see paragraphs 22 and 24).
5. Findings of fact are entitled to considerable deference. The Member who heard the evidence was in the best position to assess it. I am not satisfied that the order contains a serious error when it finds the Tenant moved out because of the Landlord's conduct. There was sufficient evidence before the Member to make that finding of fact.
6. With respect to the Member's exercise of discretion in awarding a 12-month rent differential – I find the Member was entitled to do so as the application filed by the Tenant requested this remedy; further subsection 31(2) of the Act states:

31 (2) If in an application under any of paragraphs 2 to 6 of subsection 29 (1) it is determined that the tenant was induced by the conduct of the landlord, the superintendent or an agent of the landlord to vacate the rental unit, the Board may, in addition to the remedies set out in subsection (1), order that the landlord pay a specified sum to the tenant for,

(a) all or any portion of any increased rent which the tenant has incurred or will incur for a one-year period after the tenant has left the rental unit;

...

I note the Tenant sought a rent difference of \$1,600.00 per month but the Member only awarded \$1,400.00 per month considering the betterments the Tenant experienced based on the arguments raised by the Landlord.

7. In reviewing the Member's reasoning for doing so, I do not find there to be a serious error in this regard. I find the Member's considerations to be fair and within a reasonable range of outcomes. I note the Landlord was able to make submissions about this issue as they raised the argument at the hearing and now attempt to make similar arguments on the review request.
8. With respect to the allegation of inaccurately finding there to be an illegal entry, I find the Landlord is attempting to relitigate this issue which is not appropriate on a review request. The Landlord was able to respond to this allegation at the hearing and in their submissions. I do not find the Member's finding to be unreasonable or not aligned with the evidence before the Board.
9. I note that the illegal entry found by the adjudicator was not with respect to the contractor's work in the morning as the Landlord articulates in their request, but rather, the Landlord's "check-in," in the afternoon, without notice to the Tenant. This is articulated in paragraph 51 of the order that is the subject of this review.
10. Finally, with respect to the allegation that the Member failed to properly apply the principles of causation – I find this allegation to be baseless. There are sufficient findings of fact made by the Member who heard the evidence in its entirety to reach the outcome they did. The outcome is within normal range.
11. 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 and the Landlord's request to review is denied.

It is ordered that:

1. The request to review order LTB-T-072721-23 issued on January 19, 2026 is denied. The order is confirmed and remains unchanged.

February 19, 2026
Date Issued

Sonia Anwar-Ali
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.