



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

File Number: LTB-T-100174-24-RV2

In the matter of: 648 ORIOLE PKY
TORONTO ON M4R2C4

Between: Livia Linhares Miller Tenant
Federico Freire

And

Arash Mesbah Landlord

Review Order

Livia Linhares Miller and Federico Freire (the 'Tenant') applied for an order determining that Arash Mesbah (the 'Landlord') gave a notice of termination in bad faith.

This application was resolved by order LTB-T-100174-24 issued on January 27, 2026.

On February 24, 2026, the Tenant requested a review of the order.

A preliminary review of the review request was completed without a hearing. In determining this request, I reviewed the materials in the LTB's file.

Determinations:

1. The Tenant filed a Request to Review alleging the Member made a serious error by granting the review and denying the Tenant compensation pursuant to section 48.1 of the *Residential Tenancies Act* (the Act) on the T5 application. The Tenant's request does not articulate a specific error, rather the Tenant alleges the Member failed to apply the Board's Rules properly.
2. 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 (see *TSL-51694-14-IN-RV*, *TEL-25281-12-RV*, and *TEL-34298-13-RV*).

3. The Member's decision is entitled to deference, and therefore I cannot find that there is a serious error in the decision. Furthermore, the Member is entitled to interpret and apply the Board's Rules as they see fit.
4. 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.

It is ordered that:

1. The request to review order LTB-T-100174-24 issued on January 27, 2026 is denied. The order is confirmed and remains unchanged.

February 25, 2026
Date Issued

Brett Lockwood
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.