



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

Citation: Bassily v Greek Market Corner LTD, 2026 ONLTB 18478

Date: 2026-02-26

File Number: LTB-T-060431-25-RV

In the matter of: 201, 60 King road
RICHMOND HILL ON L4E0H9

Between: Mina Najib Sadek Bassily Tenant
Elaria Ezzat Zakher Hanna

And

Greek Market Corner LTD Landlord

Review Order

Mina Najib Sadek Bassily and Elaria Ezzat Zakher Hanna (the 'Tenant') applied for an order determining that Greek Market Corner LTD (the 'Landlord') collected or retained money illegally.

This application was resolved by order LTB-T-060431-25 issued on January 26, 2026.

On February 25, 2026, the Tenant requested a review of the order.

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

Determinations:

1. The Tenant was served with two N13 notices of termination. The Landlord filed applications based on those notices with the Board, both of which were ultimately withdrawn. The Tenant remains in possession of the rental unit. The Tenant's application sought payment of the compensation they never received for the service of the notices. The Tenant's application was dismissed because the Board determined that the unpaid compensation was not money the Landlord collected or retained in contravention of the *Residential Tenancies Act, 2006* ('the Act').
2. The Tenant submits that the Board made an error in law in interpreting the sections of the Act about compensation and in interpreting the Divisional Court decision in *Marineland of Canada Inc. v. Olsen*, 2011 ONSC 6522 ('*Marineland*'). The Tenant also submits that a new hearing is required based on new evidence. That new evidence includes two Board orders.
3. On the basis of the submissions made in the request, I am not satisfied that there is a serious error in the order.

4. The Board's interpretation of sections 52, 73.1(1), 83(5), and 135 of the Act regarding compensation and money collected illegally is not clearly wrong or unreasonable. The Board provided detailed reasons for the decision. The Board considered the wording of the legislation, the parties' submissions, the relevant caselaw submitted, how the various sections interact with each other, the purpose of compensation, and the practicality of what the Tenant was requesting. I am not satisfied that the Board made an error in law in interpreting the relevant sections of the Act.
5. Particularly persuasive of the Board's reasoning is that section 73.1(1) of the Act establishes that if the Board refuses to grant an application based on an N13 notice that the Board may order the compensation be returned to the landlord. As such the service of an N13 notice does not guarantee the retention of compensation. Also persuasive in the Board's reasoning is that the purpose of compensation is to account for the bother and expense of locating and moving into alternate premises which was not applicable in this case because the tenancy did not terminate.
6. The Board's decision does not conflict with the Court's decision in *Marineland* or any other binding case law that I am aware of. The Board's determination that *Marineland* was distinguishable was reasonable. The Board determined that because the Tenant remains in possession of the rental unit and because the purpose of compensation is to account for the bother and expense of locating and moving the case was distinguishable from *Marineland* where the tenant was forced to move. I also note that *Marineland* contains no analysis of section 73.1(1) of the Act because that section had not been added to the Act at the time *Marineland* was heard. Section 73.1(1) was central to the Board's decision in this case.
7. The Tenant submits that a review should be granted on the basis of two board decisions issued after the hearing. The first is amended order LTB-L-012748-25-AM issued on January 8, 2026. That order provides an overview of the Landlord's argument for why they did not pay compensation to the Tenant. The Landlord incorrectly thought that they were exempt from paying compensation. After the Board determined that was wrong, the Landlord withdrew their eviction application. The second is LTB-L-065793-24-HR2 issued on January 13, 2026. That order concerns the same Landlord but a different tenant and tenancy. The Landlord's eviction application was dismissed, and the Board exercised its discretion pursuant to section 73.1 of the Act to not order that the Tenant return compensation. The Board's reasons in that order include that the tenant in that case had faced years of stress from the eviction process.
8. I'm not satisfied that these two decisions are potentially determinative of an issue in dispute therefore they do not meet the test for admittance on review as new evidence. Neither case is binding on the Board's decision in the case under review and both cases were answering different questions than the Board decision under review. In both orders LTB-L-012748-25 and LTB-L-065793-24 the Board was deciding whether the eviction applications could proceed despite issues with compensation payments. The Board was not deciding whether the Landlord collected or retained money in contravention of the Act as the Board was in the decision under review. Additionally, the Board was already aware that the Landlord withdrew application LTB-L-012748-25 because they did not pay

the required compensation. Therefore, order LTB-L-012748-25-AM does not add information that would change the outcome of the proceeding. Application LTB-L-065793-24 concerns a different tenancy.

It is ordered that:

1. The request to review order LTB-T-060431-25 issued on January 26, 2026 is denied. The order is confirmed and remains unchanged.

February 26, 2026
Date Issued

Amanda Kovats
Member, Landlord and Tenant Board

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