



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

Citation: Varmazyar v Rivin, 2026 ONLTB 19110

Date: 2026-03-02

File Number: LTB-T-092863-24-RV

In the matter of: 2407, 7890 BATHURST ST
THORNHILL ON L4J0J9

Between: Milad Varmazyar Tenant

And

Adela Rivin Landlord
Vladimir Rivin

Review Order

Milad Varmazyar (the 'Tenant') applied for an order determining that Adela Rivin and Vladimir Rivin (the 'Landlord') gave a notice of termination in bad faith.

This application was resolved by order LTB-T-092863-24 issued on February 10, 2026.

On February 26, 2026, the Landlord requested a review of the order.

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

Determinations:

1. The Landlord's request to review largely restates the Landlord'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 Landlord'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.
4. Contrary to what is alleged in the request to review, the Board did consider the concept of betterment at paragraph 30 of the order. More specifically, the Board denied half of the Tenant's claim for rent differential for increased rent "because the Tenant's new unit is larger than the former rental unit." As a result, I see no error in this regard.
5. The Landlord alleges that it was a serious error for the Board to order any rent differential because the Tenant moved into a different unit before moving into the rental unit for which they sought the rent differential. Subsection 57(3) of the Act does not make any such restrictions and the Landlord has not indicated any authority for this proposition. As a result, I see no error in this regard.
6. The Landlord's allegation that the award of general compensation was unsubstantiated is unfounded as paragraph 33 of the order explains why this amount was ordered.
7. I also see no error in the Board's determination that the Landlord accepted rent from the individuals who moved into the rental unit after the Tenant vacated as this was based on the Landlord's own testimony that those individuals paid him \$2,000.00 per month.
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 Landlord was not reasonably able to participate in the proceeding.

It is ordered that:

1. The request to review order LTB-T-092863-24 issued on February 10, 2026 is denied. The order is confirmed and remains unchanged.

March 2, 2026
Date Issued

Richard Ferriss
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.