



Order under Section 57 Residential Tenancies Act, 2006

Citation: Tsionis v Goldshtein, 2026 ONLTB 24941

Date: 2026-03-27

File Number: LTB-T-021420-25

In the matter of: Basement, 22 Ascalon Drive
Maple ON L6A0M5

Between: Vassiliki Tsionis
Leon Liarakos Tenants

and

Natalia Goldshtein
Evgeni Goldshtein Landlords

Vassiliki Tsionis and Leon Liarakos (the 'Tenants') applied for an order determining that Natalia Goldshtein and Evgeni Goldshtein (the 'Landlords') gave a notice of termination in bad faith.

This application was heard by videoconference on February 9, 2026.

The Tenants' Legal Representative, Brittany-Rose Ward, the Tenants, the Landlords' Legal Representative, Evgeny Aptekar, and the Landlord, Natalia Goldshtein, attended the hearing. Kim Goldshtein ('KG') testified on behalf of the Landlords.

Determinations:

1. As explained below, the Tenants did not prove the allegations contained in the application on a balance of probabilities. Therefore, the Tenants' application is dismissed.
2. The T5 application alleges the Landlord gave the Tenant a notice of termination in bad faith.
3. Section 57(1)(a) of the *Residential Tenancies Act, 2006* (the 'Act') requires the Tenants to prove each of the following on a balance of probabilities:
 - The Landlords gave the Tenants an N12 notice of termination under section 48 of the Act;
 - The Tenants vacated the rental unit as a result of the N12 notice of termination;
 - No person referred to in section 48(1) of the Act occupied the rental unit within a reasonable time after the Tenants vacated; and
 - The Landlords served the N12 notice of termination in bad faith.

4. The rental unit is a basement unit in a detached house. The Landlords reside in main/upper unit above the rental unit.
5. It was undisputed that the Landlords gave the Tenants an N12 Notice of Termination indicating that their daughter would be moving into the rental unit. It was also undisputed that the Tenants vacated the rental unit on March 14, 2024 as a result of the N12 Notice of Termination. Therefore, the remaining issues to be determined are whether the intended occupant moved into the rental unit within a reasonable time after the Tenants vacated and whether the Landlords served the N12 Notice of Termination in bad faith.

Did the Landlords' daughter move into the rental unit?

1. The Tenant, Vassiliki Tsionis ('VT'), testified that she does not believe that the Landlords' daughter moved in because she was always away at university and only visits on holidays. The Tenant, Leon Liarakos ('LL') testified that prior to receiving the N12 notice of termination, the Landlords' daughter was at school, and she had a bedroom in the Landlords' main floor unit which was right above the garage. He testified that he doesn't believe that the Landlords' daughter ever moved downstairs as he often saw the light on in the room above the garage after the Tenants vacated. The Tenants submitted photographs they took on occasion when they saw the light on in the room above the garage.
2. LL testified that in addition to seeing the light on when he drove by, he also often would see her vehicle parked on the street and on one occasion, saw a Lexus parked in the driveway in the Tenants' old parking spot. The Tenants had never seen the vehicle prior to this instance.
3. KG is the Landlords' daughter. She testified that she moved into the basement during the first week of April 2024, after her father painted the unit for her. She testified that she was attending school at Western University in London and she had been renting a house with friends. She wanted to live at home for her fourth year and was able to take the majority of her classes online, so she found someone to take over her lease in London as of August 1, 2023 and she moved back home. A copy of the lease agreement and emails confirming the assignment of her tenancy were submitted into evidence.
4. KG testified that after moving home, she did all of her classes online with the exception of two initially, which were scheduled in-person on the same day so she would drive to Western to attend those classes once a week.
5. Based on the evidence before the Board, I find, on a balance of probabilities, that the Landlords' daughter moved into the rental unit the first week of April 2024 and still lives there as of the date of the hearing. KG provided clear, consistent oral testimony supported by documentary that she moved from London to permanently live back in Maple. While I accept the Tenants' evidence that LL saw the light on in KG's old bedroom, it is not unreasonable to expect that the room would be continued to be used by the Landlords and other occupants living in in the main floor. It would be unreasonable to expect that they would have simply left this room sitting empty after KG moved downstairs.

6. Additionally, I find that LL's testimony that he frequently saw KG's car parked on the street outside lends credibility to the Landlords' evidence that KG moved in downstairs as it supports KG's oral testimony that she moved back from London to live at home for her final year of university. Although KG did not move in until 2 weeks after the Tenants vacated, I find that this was a reasonable amount of time, especially considering the Landlords did do some painting prior to KG taking over that space.
7. As the Tenants have not established that no person referred to in section 48(1) of the Act occupied the rental unit within a reasonable time after the Tenants vacated, the Tenants have not satisfied the third requirement of section 57(1)(a) of the Act. Accordingly, the Tenants' application must be dismissed.

It is ordered that:

1. The Tenants' application is dismissed.

March 27, 2026
Date Issued

Candace Aboussafy
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.