



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

Citation: Medeiros v Parhizgari, 2026 ONLTB 28843

Date: 2026-04-07

File Number: LTB-T-055766-25-RV

In the matter of: 54 GRASSLANDS AVE
RICHMOND HILL ON L4B4L1

Between: Joel Medeiros Tenant

And

Sasan Parhizgari Landlords
Zahra Parhizgari

Review Order

Joel Medeiros (the 'Tenant') applied for an order determining that Sasan Parhizgari and Zahra Parhizgari (the 'Landlords') gave a notice of termination in bad faith.

This application was resolved by order LTB-T-055766-25 issued on March 25, 2026.

On April 2, 2026, the Landlords requested a review of the order.

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

Determinations:

1. The Landlords submit that the Member seriously erred by applying the wrong legal test. Paragraph 16 of the order determines that the Landlords failed to establish that there was a change in the mother-in-law's health that prevented her from occupying the rental unit for a period of one year.
2. Prior to making this determination the Member had found that the presumption of bad faith had been triggered by the Landlords renting the unit out on Airbnb within the relevant time period. At paragraph 16 of the order the Member explains why she determined that the Landlords had not rebutted the presumption: the Landlords had not established that the mother-in-law's health had changed sufficiently to constitute a change in circumstances that explains why the mother-in-law had not moved into the unit within a reasonable time. That the words "for a period of one year" are in this explanation instead of the words "within a reasonable time" does not convert the statement to an expression of the wrong legal test. The Member applied the correct legal test. The uncontested fact that the mother-in-law still had not moved into the unit as of January

2026, along with the finding that there had not been a material change in circumstances, supports that the mother-in-law had not moved into the unit within a reasonable time.

3. The Landlords submit that the Member failed to properly assess the medical evidence. Paragraph 14 of the order acknowledges the Landlords' evidence that by August 2024 the mother-in-law had developed constipation and depression. The medical summaries provided by the Landlords include the same. There is no explanation as to how constipation would prevent the mother-in-law from moving and the medical document notes that the patient was offered increased medication for depression but that she said she is feeling well. The problem is not that the Member failed to properly assess this evidence but that the evidence does not support the Landlords' position that there was a material change in circumstances.
4. The Landlords submit that they had a witness available to give evidence about the mother-in-law's medical circumstances but that this witness was not called. If this happened, it was not an error by the Member. It was the Landlords' responsibility to call their witness. I note that in the review request the Landlords have not identified who this witness is or what the content of their evidence would have been.
5. The Landlords submit that the Member gave disproportionate weight to evidence about a proposed rent increase. In the order the discussion about the proposed rent increase plays a secondary role to the determination that the Landlords failed to rebut the presumption of bad faith. It is clear that the un rebutted presumption of bad faith is the reason for the finding of bad faith and every other factor to be considered under s.57(1)(a) had been uncontested. I am therefore not satisfied that the Member gave the discussion about a rent increase disproportionate weight.
6. The Landlords submit that the Member failed to properly weigh the timeline. They submit that the Member failed to consider that the Tenant vacated in July 2024 the Landlords had waited until October 2024 to rent the unit out on Airbnb. This timing alone is not sufficient to rebut the presumption of bad faith. Even if the Member erred by failing to consider this timeline, such a consideration would not have affected the outcome of the proceedings and so I am not satisfied that this constitutes a serious error.
7. The Landlords submit that the Member improperly proceeded with hearing the application after identifying a problem with it that may require amendment. The Landlords have not provided sufficient details about this alleged error. They have not stated what the alleged problem was with the application and so it is not possible to assess on review whether the Member seriously erred by proceeding with the hearing.
8. The Landlords submit that the Member improperly permitted the Tenant's support person to speak with the Tenant during the hearing after directing the support person not to participate in the hearing. The Landlords have not provided sufficient details to determine that this was a serious error; they have not stated what the support person was speaking with the Tenant about, how it was that communicating with the Tenant was non-compliance with the direction, or how this communication affected the hearing.

9. The Landlords submit that the Tenant was permitted to provide extended narrative evidence while the Landlords were interrupted early in presenting their prepared statement. This submission does not provide sufficient information from which to conclude that the Member erred. Parties are not guaranteed equal time in presenting their evidence and submissions. Parties are not guaranteed an opportunity to say whatever they wish to say in a hearing. Their evidence and submissions must be relevant to the issues in the proceedings and not repetitive. The information provided in the review request is insufficient to discern whether the proposed statements by the Landlords would have been relevant and not repetitious.
10. 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-055766-25 issued on March 25, 2026 is denied. The order is confirmed and remains unchanged.

April 7, 2026
Date Issued

Renée Lang
Vice Chair, 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.