



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

Citation: MASHHADI v MARTINCOURT, 2026 ONLTB 29257

Date: 2026-04-08

File Number: LTB-L-102508-25-RV

In the matter of: BASEMENT, 72 PINNACLE TRAIL
AURORA ON L4G7G6

Between: MAJID JAVAHERI MASHHADI Landlord
FERESHTEH SAMENIPOUR

And

SHERI LYNN MARTINCOURT Tenant

Review Order

MAJID JAVAHERI MASHHADI and FERESHTEH SAMENIPOUR (the 'Landlord') applied for an order to terminate the tenancy and evict SHERI LYNN MARTINCOURT (the 'Tenant') because:

- the Landlord requires possession of the rental unit in order to convert the unit to a non-residential use.

The Landlord also claimed compensation for each day the Tenant remained in the unit after the termination date.

This application was resolved by order LTB-L-102508-25 issued on April 2, 2026.

On April 7, 2026, the Landlord 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 as well as the audio recording for this hearing.

Determinations:

1. The Landlord alleges that the order contains a serious error.
2. The Landlord testified at the hearing that the residential complex is zoned as a single-family dwelling, that the rental unit, which is located in the basement, is an unlawful unit, and that the Landlord lives in the unit above the rental unit. The Landlord testified that the municipality has ordered the Landlord to take steps necessary to make the rental unit a lawful secondary dwelling or to revert the residential complex to a single-family dwelling. The Landlord further stated that they wished to revert the residential complex to a single-

family dwelling as they believe it will be too expensive to make the rental unit a lawful dwelling unit.

3. The Landlord's application was dismissed because they did not establish that they require possession of the rental unit in order to convert it to a non-residential use.
4. The request to review alleges that the order does not explain why the Landlord's application was dismissed. I disagree. The order states at paragraph eight that the Landlord intends to use the basement for residential purposes. This is consistent with the Landlord's testimony that they intend to revert the residential complex into a single-family dwelling. The basement of a single-family dwelling is ipso facto residential (unless it has been converted to a commercial or some other non-residential purpose). The Landlord led no evidence to suggest that they were going to use it for a non-residential purpose. As a result, I am not persuaded that the order does not provide sufficient reasons.
5. The Landlord also alleges that the order contains a serious error because it does not address the issue of compensation. I am not persuaded that this is a serious error because the issue of compensation was not raised at the hearing, was not identified in the application, and the Landlord did not file any evidence to suggest that compensation had been paid.
6. As a result, 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 or that the Landlord was not reasonably able to participate in the proceeding.

It is ordered that:

1. The request to review order LTB-L-102508-25 issued on April 2, 2026 is denied. The order is confirmed and remains unchanged.

April 8, 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.