



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

Citation: BANIHASHEMIAN v PARTOW, 2026 ONLTB 40180

Date: 2026-05-25

File Number: LTB-T-070372-25-RV

In the matter of: 26 WOLFTRAIL Cres.
RICHMOND HILL ON L4E4K3

Between: SEID ALI BANIHASHEMIAN Tenant
SHOHREH ASGHARI GIVEHCHI

And

SIAVASH PARTOW Landlord
PEGAH KHORRAMZADEHESFAHANI

Review Order

SEID ALI BANIHASHEMIAN and SHOHREH ASGHARI GIVEHCHI (the 'Tenant') applied for an order determining that SIAVASH PARTOW and PEGAH KHORRAMZADEHESFAHANI (the 'Landlord') gave a notice of termination in bad faith.

This application was resolved by order LTB-T-070372-25 issued on April 14, 2026.

On May 13, 2026, the Tenant 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 Tenant alleges that the order contains serious errors.
2. The first alleged error is that the order states that the Landlord was required to attend work in person in the United States 10% of the time whereas he stated at the hearing that it was 30% of the time. While the recording is somewhat unclear, even if I accept the alleged error as accurate, I am not persuaded that it is a serious error. I say this because

whether the Landlord was required to be away from the rental unit 10% or 30% of the time makes no difference to the finding in the order that the Landlord was residing in the rental unit. No evidence was led to suggest that the Landlord was living somewhere else. As a result I am not persuaded that there is a serious error in this regard.

3. The remainder of the Tenant's request to review largely restates the Tenant's position on issues that were raised and addressed at the original hearing and voices their disagreement with the Member's determinations.

4. 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

5. The Tenant'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.
6. The Tenant also alleges that the hearing was procedurally unfair because the Member interfered with the conduct of the hearing. I have listened to the hearing recording and I am not persuaded that this occurred. I find that the Member's interruptions were necessary to maintain the focus of the hearing and did not render the hearing procedurally unfair.
7. I am not persuaded that it was an error to not consider the police report. The statement in the police report upon which the Tenant wishes to rely (i.e. the Landlord's statement that his family was staying with his mother) does not establish that the Landlord was not residing at the rental unit, particularly when the police report is considered as a whole, including the Landlord's daughter witnessing the Tenant at the property taking photographs. As a result, I am not satisfied that this was a *serious* error.
8. 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 Tenant was not reasonably able to participate in the proceeding.

It is ordered that:

1. The request to review order LTB-T-070372-25 issued on April 14, 2026 is denied. The order is confirmed and remains unchanged.

May 25, 2026
Date Issued

Richard Ferriss
Member, Landlord and Tenant Board

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