



Order under Section 130 Residential Tenancies Act, 2006

Citation: Moarrefzadeh v Dhirani, 2026 ONLTB 37205

Date: 2026-05-28

File Number: LTB-T-054887-25

In the matter of: 516, 9471 Yonge Street
Richmond Hill Ontario L4C0Z5

Between: Reza Moarrefzadehli Tenants
Neda AdibiFar

And

Nabil Dhirani Landlord

Reza Moarrefzadeh and Neda AdibiFar (the 'Tenants') applied for a reduction of the rent charged for the rental unit due to:

- a reduction or discontinuance in services or facilities provided in respect of the rental unit or the residential complex.

This Application was heard by videoconference on January 5, 2026.

The Tenants and the Landlord attended the Hearing

Determinations:

1. The Tenants applied for a reduction of the rent charged because the following were unavailable from April 7, 2025, to July 31, 2025 as a result of a fire in the residential complex: gym, pool, party room, game room, yoga room, and theater room.
2. The Tenants also applied for a reduction of the rent charged because the Landlord failed to provide them with a storage locker.
3. For the reasons that follow, the Tenants' application is dismissed.

Common recreational facilities

4. Subsections 130 (1) and paragraph 130 (3) (c) of the Residential Tenancies Act, 2006 (the 'Act') apply in respect of this application and read respectively as follows:

130 (1) A tenant of a rental unit may apply to the Board for an order for a reduction of the rent charged for the rental unit due to a reduction or discontinuance in services or facilities provided in respect of the rental unit or the residential complex. 2006, c. 17.

130 (2) A former tenant of a rental unit may apply under this section as a tenant of the rental unit if the person was affected by the discontinuance or reduction of the services or facilities while the person was a tenant of the rental unit. 2006, c. 17.

130 (3) The Board shall make findings in accordance with the prescribed rules and may order

(c) that the rent charged be reduced by a specified amount for a specified period if there has been a temporary reduction in a service. 2006, c. 17, s.

5. Rules for the rent reduction are set out in section 39 of O.Reg 516/06 and the following provisions apply to this application. Of particular importance for determining the outcome of this application is subsection 39. (7), which reads:

(7) If the discontinuance or reduction is temporary and its duration is reasonable, taking into account the effect on the tenant or former tenant, there shall be no reduction of rent.

6. The gym, pool, party room, game room, yoga room, and theater room facilities were discontinued temporarily between April 7, 2025, to July 31, 2025, for repairs due to a fire. The Tenants did not present any compelling evidence indicating the repairs were unnecessary or could have been completed sooner. As the applicants, the Tenants bear the burden of proving their claim on a balance of probabilities. I find they have failed to sufficiently establish that the duration of the temporary discontinuance was unreasonable.

Storage locker

7. I am not persuaded by the Tenants' argument that they were unaware that they were entitled to a storage locker or that they needed one. The Tenants did not admit any evidence establishing they requested additional storage before April 30, 2025, when their legal representative contacted the Landlord in connection to their intent to vacate the rental unit on June 30, 2025.

It is ordered that:

1. The Tenant's Application is dismissed.

May 28, 2026
Date Issued

Douglas Malanka
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.