



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

Citation: Varghese v Bhatt, 2026 ONLTB 42568

Date: 2026-05-27

File Number: LTB-T-088492-25-RV

In the matter of: 534, 5055 GREENLANE RD
BEAMSVILLE ON L3J2J3

Between:	Tina Ann Varghese	Tenant
	And	
	Dhaval Bhatt	Landlord

Review Order

Tina Ann Varghese (the 'Tenant') applied for an order determining that Dhaval Bhatt (the 'Landlord') collected or retained money illegally.

This application was resolved by order LTB-T-088492-25 issued on May 12, 2026.

On May 26, 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. 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.
2. The review request submits that the Board Member erred by finding the Tenant was entitled to reimbursement of the last month's rent deposit as of the date the new tenancy agreement was entered into, rather than the date the new tenant took possession of the rental unit, in this case October 1, 2026.
3. As stated in paragraph 5 of the order, section 88(3) of the *Residential Tenancies Act, 2006*, the ("Act"), provides that where a landlord enters into a new tenancy agreement with a new tenant, the former tenant is no longer responsible for rent beyond the date the new tenant becomes entitled to occupy the unit.
4. On review of the hearing recording, the Landlord testified that the new tenant did not commence occupancy of the rental unit until October 1, 2025. However, despite being provided the opportunity to do so, the Landlord did not make submissions regarding why

the date the new tenant physically occupied the rental unit should determine the Tenant's liability for rent, rather than the date the new tenant became entitled to occupy the unit pursuant to section 88(3) of the Act.

5. It is unclear why the Landlord failed to make submissions that were readily available to him at the time of the hearing. The opportunity to make full submissions was at the hearing stage not at the review stage of the proceedings. A review is not an appeal or an opportunity to change the way a case was presented in hopes of a better outcome.
6. The remaining issues raised in the review request amount to an attempt by the Landlord to reargue their position and disagreement with the outcome of the hearing. A request for review is not an opportunity to reweigh the evidence or relitigate issues previously determined by the Member.
7. As stated in Guideline 8 of the Board's Interpretation Guidelines, the Member's findings of fact are entitled to considerable deference. Reasonable determinations will not be interfered with on review.
8. The Landlord's disagreement with the Member's determinations is not sufficient grounds for review. There is nothing in the record to support a determination that the hearing Member applied improper principles in assessing the evidence introduced or that there was insufficient evidence before the Board to support its conclusions.
9. Accordingly, I am not satisfied that there is a serious error in the order or that a serious error occurred in the proceedings. The Landlord's review request must be denied.

It is ordered that:

1. The request to review order LTB-T-088492-25 issued on May 12, 2026 is denied. The order is confirmed and remains unchanged.

May 27, 2026
Date Issued

Mayra Sawicki
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.