



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

Citation: Eslami v Massumi, 2026 ONLTB 44999

Date: 2026-06-08

File Number: LTB-T-032793-22-RV

In the matter of: 525 Lynett Cres
Richmond Hill ON L4C2V8

Between: Elham Eslami Tenant

And

Mohammad Massumi Landlord

Review Order

Elham Eslami (the 'Tenant') applied for an order determining that Mohammad Massumi (the 'Landlord'):

- entered the rental unit illegally.
- substantially interfered with the reasonable enjoyment of the rental unit or residential complex by the Tenant or by a member of their household.
- harassed, obstructed, coerced, threatened or interfered with the Tenant.
- withheld or interfered with their vital services or care services and meals in a care home.

This application was resolved by order LTB-T-032793-22 issued on December 1, 2025.

On December 23, 2025, 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 order under review finds that the Landlord harassed the Tenant and substantially interfered with the Tenant's reasonable enjoyment of the premises. This matter was originally heard by a Member who was unable to issue a decision and so a different Member issued a decision based on the audio recording of the hearing and on the documentary record.
2. The Landlord submits that the Member made an unreasonable credibility finding against the Landlord. Paragraph 23 of the order notes that the Landlord was evasive and unable

to answer while being cross-examined about an email the Landlord had sent regarding an incident where the Landlord's mother-in-law was alleged to have kicked the Tenant's dog. The Landlord submits that because the Member who issued this order did not conduct the original hearing, he was not in a position to assess credibility. I do not agree. A credibility assessment may be made on the basis of the cogency, directness, and clarity of the testimony given, particularly in response to questions on cross-examination. In this case, the audio recording does not support that the Landlord was evasive about this email but it does support that around the same time he was questioned about the email he was evasive in his responses to questions about his mother-in-law's alleged allergy to dogs. This evasiveness was sufficient to make a negative credibility finding related to the dog issue.

3. The Landlord submits that the Member seriously erred by failing to direct that the amount owed by the Landlord could be set off against arrears owed by the Tenant. While it is the case that the LTB should direct that an order for payment by one party be set off against an amount owed by the other party, this is only the case where there is a clear, realized debt owed by the other party. In this case, the Landlord did not present any LTB order finding the Tenant to be in arrears and there is no indication on the record that the Tenant acknowledged owing arrears in any specific amount or at all. In the review request the Landlord points to an L1 application that was withdrawn and N4 notice. These are not sufficient to establish that the Tenant owed arrears to the Landlord as of the date of the hearing.
4. The Landlord submits that in making the finding that the Landlord had interrogated the Tenant's guests, the Member ignored the Landlord's evidence at Tabs 1 and 3 of the Landlord's documents that show that the Landlord's inquiries were directed at unauthorized roommates and not casual guests. There are several problems with this submission. The first problem is that in the review request the Landlord does not point to specific evidence that was allegedly ignored. There are several documents in each of Tabs 1 and 3. Another problem is that this submission illustrates that the Landlord holds the incorrect belief that the Landlord is entitled to keep the Tenant from getting roommates or restrict her roommates. A further problem is that it is clear from paragraph 22, where the Member finds that the Landlord's behaviour exhibits that they were taking active steps to prevent the Tenant from obtaining roommates, that the Member saw the Landlord's conduct as being aimed at possible new roommates, not just casual guests. In other words, it does not matter whether the conduct was aimed at guests or prospective roommates; it was harassment either way.
5. The Landlord submits that the remedy awarded is unreasonable. The Member ordered a rent abatement in the amount of 15% of a month's rent for each month for a year. The Landlord submits that this is reasonable and disproportionate because the abatement period covers the entire duration of the tenancy issues, yet the specific incidents were isolated events. The dog incident was an isolated event. However, the incidents when the Landlord challenged one of the Tenant's guests/potential roommates recurred and so these cannot be characterized as isolated. As explained at paragraph 26 of the order, the Landlord's conduct had the effect of preventing the Tenant from using the unit for all

usual purposes for a year. I am therefore not satisfied that the remedy awarded is unreasonable.

6. 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-032793-22 issued on December 1, 2025 is denied. The order is confirmed and remains unchanged.

June 8, 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.