



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

Citation: Stuart v Kazem-motlagh, 2026 ONLTB 50064

Date: 2026-06-24

File Number: LTB-T-081214-23-RV

In the matter of: 1606, 75 Queens Wharf Road
Toronto ON M5V0J8

Between:	Amanda Stuart	Tenant
	and	
	Maryam Kazem-Motlagh	Landlord

Review Order

Amanda Stuart (the 'Tenant') applied for an order determining that Maryam Kazem-Motlagh (the 'Landlord'):

- 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.

This application was resolved by order LTB-T-081214-23 issued on June 9, 2026.

On June 24, 2026, the Representative requested a review of the order.

A preliminary review of the review request was completed without a 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.
2. The Landlord submits that the presiding Member seriously erred by accepting evidence from the Tenant as context, without documentary evidence to support the allegations. The Tenant gave oral testimony of the allegations, which is evidence. The absence of documentary evidence does not automatically render testimony not credible. The hearing Member was in the best position to consider the oral testimony and make determinations of credibility.
3. Nevertheless, even if it is an error, it is not a serious error as it has not effect on the outcome. It is clear from the order that the Member merely considered this evidence as

context of when the relationship between the parties broke down and did not consider this evidence in her determinations that the Landlord harassed and substantially interfered with the Tenant's reasonable enjoyment. It therefore has no impact on the outcome.

4. The Landlord also alleges that the Member seriously erred by failing to consider prior communications from the Landlord that the Tenant frequently did not respond to and seeks to provide further justification for the communications which the Member determined were of a nature that is harassing. The Member is not required to make an explicit finding or explicitly address each piece of evidence submitted by the parties in her decision¹.
5. The Landlord has not shown that there was no evidence to support the Member's findings or that the Member's findings are capricious or unreasonable; therefore, a review is not warranted. The Member was in a better position to assess the evidence and credibility of the witnesses before her and there was evidence upon which the Member could reasonably have reached her decision. The purpose of the review process is not to provide parties with an opportunity of relitigating the issues in hopes of a better outcome.
6. The Landlord also alleges that the presiding Member seriously erred by failing to consider the extent of the Landlord's involvement in communications made by her daughter to the Tenant, which form the basis of the harassment. The Member did consider this. Paragraph 20 of the order clearly states that even though some of the comments were not made by the Landlord herself, she is responsible for the behaviour of her daughter, who acted as her agent.
7. The Landlord also alleges that the presiding Member seriously erred by failing to consider that the Landlord incurred legal expenses due to communication difficulties and rent payment issues. This is irrelevant to the determinations in the order. The fact that the Landlord may have incurred legal expenses is not a defence to harassment and it is unclear from the request how this would impact the outcome.
8. The request also alleges that the presiding Member seriously erred by failing to consider circumstances regarding a storage locker key, rent payment history, communications between the parties and other evidence that contradicted the Tenant's allegations. Similar statements are made throughout the review request, but the request provides no other details. From the request, it is unclear how any of these things would be relevant to the issues determined by the Member and it therefore I cannot conclude that it was an error not to consider evidence which may not be relevant. While the Landlord asserts there was evidence that contradicted the Tenant's allegations and testimony, the request provides no specifics about this evidence.

¹ *Newfoundland and Labrador Nurses' Union v. Newfoundland and Labrador (Treasury Board)*, 2011 SCC 62, [2011] 3 S.C.R. 708

9. A request to review must provide sufficient information to support a preliminary finding that there is a serious error in the order. In this instance, the request is vague and lacks specifics to support such a preliminary finding.
10. For the foregoing reasons, I am not satisfied that there is a serious error in the order. Therefore, the request to review the order must be dismissed.

It is ordered that:

1. The request to review order LTB-T-081214-23 issued on June 9, 2026 is denied. The order is confirmed and remains unchanged.

June 24, 2026
Date Issued

Candace Aboussafy
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.