



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

Citation: Mahdavinder v Maniscalco, 2026 ONLTB 51266

Date: 2026-06-29

File Number: LTB-T-006049-25-RV

In the matter of: 1155 Millwood Crt
Orleans ON K1C3E9

Between: Hossein Mahdavinder Mahdavinder
Sabrina Kishundoyal

Tenants

and

Thomas Maniscalco
Ignazio Maniscalco

Landlords

Review Order

Hossein Mahdavinder Mahdavinder and Sabrina Kishundoyal (the 'Tenants') applied for an order determining that Thomas Maniscalco and Ignazio Maniscalco (the 'Landlords'):

- entered the rental unit illegally.
- substantially interfered with the reasonable enjoyment of the rental unit or residential complex by the Tenants or by a member of their household.
- harassed, obstructed, coerced, threatened or interfered with the Tenants. **(T2 Application)**

The Tenants also applied for an order determining that the Landlords failed to meet the Landlord's maintenance obligations under the *Residential Tenancies Act, 2006* (the 'Act') or failed to comply with health, safety, housing or maintenance standards. **(T6 Application)**

This application was resolved by order LTB-T-006049-25 issued on June 19, 2026.

On June 26, 2026, the Landlords requested a review of the order.

A preliminary review of the review request was completed without a hearing.

Determinations:

1. The Landlords submit that there is a serious error in the order. 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 it was a serious error for the Member to consider the applications as the same issues were already decided in LTB-T-034336-22 and LTB-T-06049-25-IN. It is clear from the order that the Member considered whether *issue estoppel* should apply in these circumstances. The Member's findings are entitled to considerable deference. I am not satisfied that the Member's determination is clearly wrong and unreasonable. The Member considered the principles of *issue estoppel* and provides extensive reasons why *issue estoppel* does not apply in these circumstances (see paragraphs 4 to 13).
3. The Landlords also allege that the presiding Member seriously erred by failing to consider that the Tenants' conduct on July 23, 2025 interfered with the Landlord's ability to repair the AC. The Tenant's conduct was considered by the Member. The Landlords' evidence in this regard is explicitly summarized in paragraph 46 of the order, and the Member considered the overall actions of the Landlord and determined that the Landlord's response was not reasonable. Additionally, the hearing Member also notes in paragraph 74 that the Landlords made only one attempt to repair the AC since being aware of the issue. In my view, it is clear that the events of July 23, 2025 were adequately considered by the hearing Member.
4. Nevertheless, even if it is an error, it is not a serious error because it would not affect the outcome. While the Tenants conduct may have interfered with the Landlords' attempt at a repair on July 23, 2025, this does not excuse the Landlords' inaction for the 9 months that followed.
5. The Landlords also allege that the presiding Member seriously erred in ordering the Landlords to pay an administrative fine as the Landlords believe they acted reasonably.
6. Interpretation Guideline 16 suggests that the purpose of a fine is to encourage compliance with the *Residential Tenancies Act, 2006* (the 'Act') and to deter landlords from engaging in similar activities in the future.
7. It is apparent from the final order that the presiding Member correctly exercised their jurisdiction under section 31(1) of the Act by considering the Landlords' breaches when concluding that an administrative fine of \$250.00 was appropriate. The presiding Member finds in paragraph 74 of the Landlords' blatant disregard for prior Board orders requiring the Landlords to complete repairs. The hearing member's exercise of discretion was rationally connected to the parties' evidence and submissions, and the exercise was therefore not capricious. Although another Board Member may have exercised their discretion to impose an administrative fine differently, the presiding hearing member's decision is entitled to deference. As such, I find no serious error in this regard.
8. As I am not satisfied that there is a serious error in the order, the request to review the order must be dismissed.

It is ordered that:

1. The request to review order LTB-T-006049-25 issued on June 19, 2026 is denied. The order is confirmed and remains unchanged.

June 29, 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.