



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

Citation: Khan v Muhammed, 2026 ONLTB 51299

Date: 2026-06-29

File Number: LTB-L-022597-26-RV

In the matter of: 907, 21 OVERLEA BLVD
TORONTO ON M4H1P2

Between:	Asif Khan	Landlord
	And	
	Ilays Muhammed Sarah Naz	Tenants

Review Order

Asif Khan (the 'Landlord') applied for an order to terminate the tenancy and evict Ilays Muhammed and Sarah Naz (the 'Tenants') because the Landlord requires vacant possession of the rental unit in order to do major repairs or renovations to the unit.

This application was resolved by order LTB-L-022597-26, issued on June 11, 2026.

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

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

Reasons:

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 Landlord applied to terminate the tenancy on the basis that he required vacant possession of the unit in order to do repairs or renovations. As required in order to pursue an application of this type, he paid the Tenants compensation of \$3,390.00 for the termination.
3. The LTB denied the Landlord's application and did not terminate the tenancy. Pursuant to section 73.1 of the *Residential Tenancies Act, 2006* (RTA), the LTB ordered the Tenant to return the \$3,390.00 to the Landlord.
4. The Tenants requests a review of the order that they return the compensation. They argue that the LTB erred by failing to permit them to raise claims under section 82 of the RTA, and to set off any amounts awarded against the \$3,390.00 they owed.

5. There is no merit to the Tenants' argument. Section 82 applies specifically in a landlord's application about rent arrears. This application was not about rent arrears, and the \$3,390.00 payment the Tenants must make is not a payment of rent arrears. It is the return of compensation for termination, to which the Tenants are not entitled because the tenancy is not being terminated. The LTB correctly found that section 82 did not apply.
6. The Tenants also argue that repayment of the compensation will cause them financial hardship because their wages will be garnished. I am not persuaded by that argument, either. The Tenants opposed the eviction application, taking the position that the tenancy should not be terminated. They should have been well aware that if they were successful, they would need to return the compensation payment. If they spent the money instead, they have only themselves to blame if their wages are now being garnished.
7. The review will therefore be denied.

It is ordered that:

1. The request to review order LTB-L-022597-26, issued on June 11, 2026, is denied. The order is confirmed and remains unchanged.

June 29, 2026
Date Issued

Dale Whitmore
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.

