



NOV 27, 2023

Elan Shemtov

Landlord and Tenant Board

**Order under Section 16.1 of the
Statutory Powers Procedure Act and the
Residential Tenancies Act, 2006**

Citation: Distefano v Abadi-Ghomi, 2023 ONLTB 76534

Date: 2023-11-27

File Number: LTB-T-089204-23

In the matter of: 203, 410 QUEENS QUAY W
TORONTO ON M5V3T1

Between: Michael Distefano Tenant

And

Farzanesh Abadi-Ghomi Landlord

INTERIM ORDER

Michael Distefano (the 'Tenant') applied for an order determining that Farzanesh Abadi-Ghomi (the 'Landlord'):

- changed the locks or the locking system to the rental unit without giving them a replacement key
- harassed, coerced, obstructed, threatened, or interfered with the Tenant
- did not give the Tenant 72 hours to remove their property from the rental unit or from someplace close to it after the Sheriff evicted them

The Tenant submitted a request to shorten time on November 10, 2023 at 8:41pm which further requested an order to preserve the Tenant's belongings, for the immediate return of the Tenant's belongings, and alternatively a prohibition order requiring the Landlord to preserve vacancy of the rental unit.

Determinations

1. After considering the issue carefully, I am not currently prepared to order a prohibition order which prevents the Landlord from re-renting the rental unit until this application is heard. While I gave strong consideration to the allegation that the Landlord never provided the Tenant with a mailbox key to receive a Notice of Hearing from the LTB, the fact remains that Order LTB-L-030638-23 has not been reviewed on this basis and it also claims arrears of \$18,100.00 up until August 31, 2023. Therefore, the merits of a prohibition order are outweighed by the circumstances of the prior order and the prejudice to the Landlord.

2. The Tenant may submit another request for a prohibition order with additional arguments, however I do not currently find it compelling in the absence of a request for review of the prior order.

It is ordered that:

1. LTB staff are directed to schedule a hearing for this matter on an expedited basis (additional endorsement to be issued for the request to shorten time).
2. The Landlord shall preserve and keep safe any property belonging to the Tenant that is in the Landlord's control.
3. The Landlord shall immediately return possession of any property belonging to the Tenant that is in the Landlord's control.
4. Both parties will disclose any and all evidence they intend to rely at this hearing no later than 5 days prior to the next scheduled hearing.

November 27, 2023
Date Issued

Elan Shemtov

Elan Shemtov

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.