



Order under Section 31
Residential Tenancies Act, 2006

File Number: TST-17284-20

In the matter of: LOWER LEVEL, 35 WHITEHALL ROAD
TORONTO ON M4W2C5

Between: Ritu Bhardwaj Tenant

and

Homa Salahshour Landlord

Ritu Bhardwaj (the 'Tenant') applied for an order determining that Homa Salahshour (the 'Landlord') or the Landlord's superintendent or the Landlord's agent harassed, obstructed, coerced, threatened or interfered with the Tenant.

This application was heard by videoconference on November 2, 2021.

Only the Tenant attended the hearing.

Determinations:

1. The Tenant brought a T2 Application pursuant to s.29(1) of the *Residential Tenancies Act, 2006* (the 'Act') which alleges that the landlord, superintendent or agent of the landlord has harassed, obstructed, coerced, threatened or interfered with the tenant during the tenant's occupancy of the rental unit.
2. The Tenant lives in the basement section of a home that also contains a main floor unit and an upper floor unit. The Tenant's application is predominantly based upon an incident on August 17, 2020 (the August 17 Visit") whereby the Landlord's son came to the unit and asked the Tenant's daughter, outside at the time, if he could speak to her mom.
3. The Tenant states he was persistent with his request, causing the Landlord's daughter to rush inside and lock the door. The Landlord's son eventually rang the doorbell, causing the Tenant to be scared to come outside as the visit was unannounced and she did not know the Landlord's son. Upon confronting the unannounced visitor, the Tenant testified he was "loud and forthcoming" and wanted her to confirm she was going to be vacating the property. Upon the Landlord's son leaving, the Tenant advised that she phoned the police to report the incident. The August 17 Visit was followed by the Landlord providing the Tenant with a notice of inspection.

4. By way of background, the Tenant testifies the August 17 Visit stems from a lease dispute between the parties regarding whether the Tenant must leave the rental unit as a result of a prior text she sent the Landlord. The Tenant claims she does not want to leave and while she may have previously raised the issue of possibly finding other accommodations, she denies ever giving notice to end her tenancy. Whether the Tenant gave the Landlord notice to end her tenancy – or whether she must vacate the rental unit as a result of her communications - is not before me and thus, I make no finding regarding this issue.
5. The Tenant also raised other issues not specifically mentioned in her application. For instance, she mentioned she was subsequently sent a Form N1 (notice of rent increase) and a Form N5 (notice to end tenancy for interfering with others); such actions purportedly taken by the Landlord in an effort to pressure her to leave the rental unit. I make no finding in respect of these events, as I am only considering the issues raised in the Tenant's application.
6. While the August 17 Visit could have been handled differently by the Landlord, the Tenant has not proven on a balance of probabilities that the landlord, superintendent/agent of the landlord has harassed, obstructed, coerced, threatened or interfered with the tenant during her occupancy of the rental unit. The Tenant's application must therefore fail.

It is ordered that:

1. The Tenant's application is dismissed.



January 5, 2022
Date Issued

Peter Nicholson
Member, Landlord and Tenant Board

Toronto South-RO
15 Grosvenor Street, 1st 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.