



Order under Section 69 Residential Tenancies Act, 2006

File Number: LTB-L-089068-25

In the matter of: 12 JAMESWAY CRES
STOUFFVILLE ON L4A 0A3

Between: Charlotte Elaine Geary Landlord

and

Nicolle Jakma Tenant

Charlotte Elaine Geary (the 'Landlord') applied for an order to terminate the tenancy and evict Nicolle Jakma (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard by videoconference on December 16, 2025.

The Landlord and the Tenant attended the hearing. The Tenant was assisted by Tenant duty counsel, Curtis Sell.

1. At the beginning of the hearing the Tenant raised a preliminary issue with respect to the Board's jurisdiction. The Tenant takes the position that the tenancy is not covered by the *Residential Tenancies Act, 2006* (the 'Act') pursuant to s. 5(i) which provides:

This Act does not apply with respect to,

...

living accommodation whose occupant or occupants are required to share a bathroom or kitchen facility with the owner, the owner's spouse, child or parent or the spouse's child or parent, and where the owner, spouse, child or parent lives in the building in which the living accommodation is located;

2. There is no dispute that the Landlord owns the residential complex.
3. The Tenant testified that she resided in the basement of the residential property and since the beginning of her tenancy shared the kitchen and bathroom with the Landlord, who is her mother.
4. During the hearing I explained section 5(i) of the Act and displayed it on the screen. I asked the Landlord whether she had the tenancy arrangement described in s.5(i) with the Tenant. The Landlord confirmed that she did.

5. The Landlord sought to withdraw the application and I consented to the request. The Tenant did not object.
6. The application having been withdrawn; the Board's file is closed.

January 8, 2026
Date Issued

Adeela Alvez
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.