



Order under Section 31 Residential Tenancies Act, 2006

File Number: LTB-T-004321-24

In the matter of: Basement, 886 Ossington Avenue
Toronto ON M6G3V1

Between: Robert Todd Tenant

And

Naveen Kalia Landlord

Robert Todd (the 'Tenant') applied for an order determining that Naveen Kalia (the 'Landlord'):

- entered the rental unit illegally.
- substantially interfered with the reasonable enjoyment of the rental unit or residential complex by the Tenant or by a member of their household.
- harassed, obstructed, coerced, threatened or interfered with the Tenant.

This application was heard by videoconference on September 10, 2025.

The Tenant and the Landlord attended the hearing.

Preliminary Issue:

1. The Landlord raised a jurisdictional objection under section 5(i) of the Residential Tenancies Act, 2006 ("RTA"), claiming the property is exempt from the Act because the Tenant shared bathroom and kitchen facilities with the Landlord or with the Landlord's household.
2. The Landlord stated that he resides at the property, the basement and upper floors are all part of a shared dwelling, the Tenant did not have a self-contained unit, exclusive entrance, or private bathroom. Lastly, all occupants of the house, including the Tenant, share a bathroom and common kitchen areas.
3. The Tenant believes that he had a separate unit because he primarily uses the basement space and the Landlord never comes downstairs. He acknowledges that the other rooms shared a bathroom and kitchen. Finally, he conceded that the Landlord resides in the property.
4. I turn at s. 5() of the Residential Tenancies Act which states:

Exemptions from Act

5 This Act does not apply with respect to,

i) 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;

5. Since the Tenant shared essential facilities, such as bathroom, with the Landlord, the Residential Tenancies Act does not apply pursuant to s. 5(i).
6. Since the Residential Tenancies Act does not apply, the Board lacks jurisdiction to grant remedies under a T2 Application.
7. For all the reasons given, the Tenant's application shall be dismissed.

It is ordered that:

1. The Tenant's application is dismissed.

January 5, 2026
Date Issued

Anthony Bruno
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.