



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

Citation: Wood-Game v 14258789 Canada Ltd, 2026 ONLTB 5854

Date: 2026-01-16

File Number: LTB-T-095302-25-IN2-RV

In the matter of: 6570 Franktown Road
Ottawa ON K0A2Z0

Between: Cherilyn Dorothy Wood-Game Tenants
Michael Dean Kline

And

14258789 Canada Ltd Landlord

Review Order

T1 Application

Cherilyn Dorothy Wood-Game and Michael Dean Kline (the 'Tenants') applied for an order determining that 14258789 Canada Ltd (the 'Landlord') collected or retained money illegally.

T2 Application

The Tenants also applied for an order determining that the Landlord

- substantially interfered with the reasonable enjoyment of the rental unit or residential complex by the Tenants or by a member of their household.
- harassed, obstructed, coerced, threatened or interfered with the Tenants.
- withheld or interfered with their vital services or care services and meals in a care home.

T6 Application

The Tenants also applied for an order determining that the Landlord failed to meet the Landlord's maintenance obligations under the *Residential Tenancies Act, 2006* (the 'Act') or failed to comply with health, safety, housing, or maintenance standards.

Interim order LTB-T-095302-25-IN2 issued on December 15, 2025, determined the preliminary issue of whether the Act applies. The merits of the claims on the applications were adjourned to be heard at a later date.

On January 14, 2026, the Landlord requested a review of the interim order.

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

Determinations:

1. The Board determined that the *Residential Tenancies Act, 2006* ('the Act') applies to the tenancy between the parties. The Board rejected the argument that the exemption found in section 5(a) applies:

This Act does not apply with respect to,

(a) living accommodation intended to be provided to the travelling or vacationing public or occupied for a seasonal or temporary period in a hotel, motel or motor hotel, resort, lodge, tourist camp, cottage or cabin establishment, inn, campground, trailer park, tourist home, bed and breakfast vacation establishment or vacation home;

2. The exemption found in section 5(a) of the Act contains two distinct branches:

1. accommodation intended for the traveling and vacationing public, and
2. accommodation occupied for a seasonal or temporary period in one of the listed types of accommodation, hotel etc.

If an accommodation falls into either branch, then it is exempt from the Act. For the second branch to apply the person staying in the accommodation does not need to be vacationing. For example, a person staying in a hotel on a work trip does not become a residential tenant simply because they are not on vacation.

3. The Landlord submits that the Board made the following errors in law in determining that the Act applies:
 1. The Landlord submits that the Board in its analysis of the second branch of the exemption improperly focussed on whether the Tenants were vacationing rather than whether the accommodation was temporary in nature. The second branch does not require that someone be vacationing for it to apply. The Landlord submits that by requiring evidence of vacationing intent the Board imposed a condition not required by the Act.
 2. The Landlord submits that it was improper for the Board to place significant weight on the Tenants intention to eventually enter a long-term lease. The Landlord submits this approach is incorrect because the status of a rental arrangement is determined at the time of occupation.
 3. The Landlord submits that the Board made a serious error by treating the listing for the property as determinative of the legal character of the tenancy. The Landlord submits that language in an advertisement for a property cannot override

the actual agreement executed.

4. The Landlord submits that the Board made a serious error by adding a legal requirement to the exemption in 5(a) that the property be conceptually alike the other properties in the list.
4. On the basis of the submissions made in the request, I am not satisfied that there is a serious error in the order.
5. The review request mischaracterises the findings made by the Board. The Board did not add additional requirements to the second branch of the exemption in section 5(a) nor treat the property's advertisement as determinative of whether the Act applies. The Board found that the first branch of the exemption did not apply because the Tenants are not members of the traveling or vacationing public. The Board found that the second branch did not apply because the accommodation was not one of the listed types of accommodation (hotel, vacation home, etc). The Board correctly identified the legal test established by the exemption. In determining that the exemption did not apply, the Board considered the relevant evidence before it. I am not satisfied that the Board's analysis contains any serious errors.
6. In its analysis of whether the property is a vacation home the Board considered how the property was advertised and the parties' intent for the property/tenancy. I do not find that the Board made a serious error by considering the relevant evidence before it. For some of the accommodations listed in the exemption it is apparent on its face whether a property fits into the types listed. For example, it is readily apparent whether a property is a hotel. Hotels have clear distinguishing features (individual rooms for rent, a front desk, signage about the property being a hotel etc). Whereas it is less readily apparent if a property is a vacation home. A vacation home is just a home like any other but with the distinguishing factor that it is used for vacationing. It was therefore relevant and necessary to the determination whether the property was a vacation home for the Board to consider how the property was advertised and the parties' intent for the property. The Board was not importing a vacationing intent to the second branch of the test but was trying to determine if the property was a vacation home as required by the second branch of the test.
7. The types of accommodation described in the second branch of the exemption are all different property types, but the same exemption applies to all of them because they are part of a similar category. That the property was not being used in a similar way to the other types of listed accommodation is good evidence that the exemption does not apply. The Board did not make a serious error by considering the relevant evidence before it.

It is ordered that:

1. The request to review order LTB-T-095302-25-IN2 issued on December 15, 2025 is denied. The order is confirmed and remains unchanged.

January 16, 2026
Date Issued

Amanda Kovats
Member, Landlord and Tenant Board

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If you have any questions about this order, call 416-645-8080 or toll free at 1-888-332-3234.