



Order under Section 135 Residential Tenancies Act, 2006

File Number: LTB-T-048621-25

In the matter of: 3364 Ave Hogarth Gloucester
Ottawa ON K1T1S9

Between: Taina Valerie Atilus Tenant

And

Saied Shoaib Landlord

Taina Valerie Atilus (the 'Tenant') applied for an order determining that Saied Shoaib (the 'Landlord') collected or retained money illegally.

This application was heard by videoconference on January 21, 2026.

Only the Tenant attended the hearing.

As of 1:31 p.m., the Landlord was not present or represented at the hearing although properly served with notice of this hearing by the LTB. There was no record of a request to adjourn the hearing. As a result, the hearing proceeded with only the Tenant's evidence.

Determinations:

Preliminary Issue:

The Act Does Not Apply

1. On the date of the hearing, the Tenant stated the Landlord has illegally retained her last month's rent deposit in the amount of \$600.00. The Tenant vacated the rental unit on or about June 1, 2025.
2. During the hearing, the Tenant indicated the Landlord lived in the rental unit and that she shared a kitchen and a bathroom with the Landlord.
3. Subsection 5(i) of the *Residential Tenancies Act, 2006* ('the Act'), states that the 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;

4. This exemption from the Act means that the Board does not have the jurisdiction to hear disputes between the parties. Because the Landlord and the Tenant share a kitchen and a bathroom, the Act does not apply. Therefore, this application must be dismissed.

It is ordered that:

1. The Tenant's application is dismissed.

January 29, 2026

Date Issued

Paula West Oreskovich

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.