



Order under Section 31 Residential Tenancies Act, 2006

Citation: ALLAN v jones, 2026 ONLTB 10642

Date: 2026-02-04

File Number: LTB-T-108536-25

In the matter of: 4855 LIMEBANK RD
GLOUCESTER ON K1X1E8

Between: KYLE BRADLEY ALLAN Tenant

And

James Jones Landlord

KYLE BRADLEY ALLAN (the 'Tenant') applied for an order determining that James Jones (the 'Landlord'):

- entered the rental unit illegally.

This application was heard by videoconference on January 28, 2026.

The Landlord's legal representative Ahmed Ali and the Tenant attended the hearing.

Determinations:

1. At the hearing, the Landlord's representative initially sought an adjournment, stating short notice and insufficient time to prepare.
2. However, when the Tenant described the rental unit, a preliminary issue surfaced with respect to the LTB's jurisdiction to hear the Tenant's application.

Does the Act Apply?

3. The Tenant said that he shares the kitchen with the owner Landlord.
4. The issue before the Board is whether the Act applies. In order for the Act to apply there must be a tenancy agreement between a "landlord" and a "tenant" respecting a "rental unit" or "residential premises", as those terms are defined in the Act. The exemptions from the Act, found in section 5, must also be considered. If the Act does not apply to this relationship, then the Board does not have the jurisdiction to hear disputes between the parties.

5. As explained at the hearing, s.5(i) of the *Residential Tenancies Act, 2006* (the 'Act') describes situations where the Board does not have jurisdiction; specifically, where the tenant is required to share the kitchen or bathroom with the owner landlord.
6. Subsection 5(i) of the Act stipulates that the Act does not apply to living accommodation where the occupant or occupants are required to share a bathroom or kitchen facility with the owner, the owner's spouse, child or parent, **and** where the owner, spouse, child or parent lives in the building in which the accommodation is located (emphasis added).
7. The operative word with respect to the exemption under 5(i) is required. Therefore, the question to be determined is whether the Tenant was required to use and share the kitchen with the Landlord. If the answer to that question is yes, then the Act will not apply with respect to this arrangement.
8. At the hearing, the Tenant did not dispute that he was required to share the kitchen with the owner Landlord.
9. Based on the evidence before the Board, the Tenant was required to share kitchen facility with the owner Landlord.
10. Accordingly, the Board does not have jurisdiction as the relationship between the parties is exempt from the Act.
11. Having found the Act does not apply to this relationship, there was no reason to adjourn the matter.
12. This order contains all of the reasons for the decision within it. No further reasons shall be issued.

It is ordered that:

1. The Act does not apply.

February 4, 2026
Date Issued

Dana Wren
Member, Landlord and Tenant Board

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