



Order under Section 69 Residential Tenancies Act, 2006

Citation: Basile v Hrtschan, 2026 ONLTB 11007

Date: 2026-02-02

File Number: LTB-L-070571-25

In the matter of: 2654 Conn Street
Ottawa ON K2B7C5

Between: Raffaele Basile Landlord

And

Mona Hrtschan Tenant

Raffaele Basile (the 'Landlord') applied for an order to terminate the tenancy and evict Mona Hrtschan (the 'Tenant') because the Tenant, another occupant of the rental unit or a person the Tenant permitted in the residential complex has seriously impaired the safety of any person and the act or omission occurred in the residential complex.

This application was heard by videoconference on December 22, 2025 and January 30, 2026.

The Landlord, the Landlord's representative, Katherine Smith, the Tenant and the Tenant's support person, Robert Sutherland, attended the hearing.

Determinations:

Preliminary issue

Does the Board have jurisdiction to hear the matter?

1. As explained below, the Board has no jurisdiction to make an order with respect to this tenancy, and therefore the application is dismissed.
2. It is undisputed that Joseph Mazza was the owner of the residential property and that he passed away on October 15, 2023. It is also undisputed that Raffaele Basile is one of the executors of the estate of Joseph Mazza.
3. The Tenant admitted that prior to the death of Joseph Mazza, she shared the bathroom and the kitchen with Joseph Mazza.

4. Section 5(i) of the Act provides the following exemptions from the Act:

This Act does not apply 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...and where the owner, spouse, child or parent lives in the building in which the living accommodation is located

5. The evidence before the Board establishes that the Landlord lived in the same building as the Tenant and shared kitchen and bathroom facilities with the Tenant. I am satisfied therefore that the Act does not apply.
6. Furthermore, the Tenant agreed that the Act does not apply to this tenancy.
7. As this Act does not apply, the Board has no jurisdiction to consider the merits of this application, and the application must be dismissed.

It is ordered that:

1. The Landlord's application is dismissed.

February 2, 2026

Date Issued

Karen Gonçalves

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.