



**Order under Section 31,57
Residential Tenancies Act, 2006**

File Number: LTB-T-099323-25

In the matter of: 1212, 33 Bay street
Toronto ON M5J2Z3

Between: Nzuzi Wetuvanga Tenant

And

David Murray Fletcher Landlord

Nzuzi Wetuvanga (the 'Tenant') applied for an order determining that David Murray Fletcher (the 'Landlord'):

- entered the rental unit illegally.
- altered the locking system on a door giving entry to the rental unit or residential complex without giving the Tenant replacement keys.
- 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.
- did not give the Tenant 72 hours to remove their property from the rental unit or from some place close to the rental unit after the Sheriff evicted the Tenant.
- did not give the Tenant a written tenancy agreement for their care home unit or the agreement did not include information about care services and meals and / or the charges the Tenant agreed to pay for them.
- gave a notice of termination in bad faith.

This application was heard by videoconference on January 30, 2026.

The Landlord and the Tenant attended the hearing.

Determinations:

Preliminary issue- exemption from the Act

1. D. Fletcher submits that he is the owner of the unit in question. He testified that the unit is a 2 bedroom condo that he resides in. He testified that Nzuzi Wetuvanga resided in the unit with him as a roommate and the parties shared the use of the kitchen. He testified that there is only one kitchen in the unit.

2. Nzuzi Wetuvanga did not deny that he shared use of the kitchen with Mr. Fletcher and did not dispute that Mr. Fletcher is the owner of the condo and that he lived there with him.
3. Section 5 (i) of the *Residential Tenancies Act*, 2006, states:

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;

4. As such, I am satisfied that the Act does not apply.

T2/T5 Application

5. As the Act does not apply, the Board has no jurisdiction to hear the merits of the T2 and T5 application. Therefore, the applications are dismissed.

It is ordered that:

1. The applications are dismissed.

February 3, 2026
Date Issued

Emily Robb
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.