



Order under Section 31 Residential Tenancies Act, 2006

File Number: LTB-T-100947-25

In the matter of: 17 Edenbrook Hill Drive
Brampton ON L7A1X1

Between: Joel Ray Bastes Tenant
Maria Sarah Bastes

And

Christopher Dela Pena Landlord
Jeanne Louise Pineda

Joel Ray Bastes and Maria Sarah Bastes (the 'Tenant') applied for an order determining that Christopher Dela Pena and Jeanne Louise Pineda (the 'Landlord'):

- 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.

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. C. Dela Pena is the owner of the house that is subject to the application. He testified that Maria Sarah Bastes is his wife's sister. He testified that M.S.B and J.R.B moved into the basement of his home with their children. He testified that the basement is not a self contained unit, it does not contain a bathroom or a kitchen. He testified that they came to live there as a favour to them when they moved to Canada in 2024. He testified that they used the same kitchen and the bathrooms that the Landlord and his family used. As a result of the above, C. Dela Pena submits that the Act does not apply.

2. Joel Ray Bastes and Maria Sarah Bastes did not contest the testimony of the C. Dela Pena and agree that there is no kitchen or bathroom in the basement and they used the kitchen and bathrooms that C.Dela Pena and his family used.
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 application

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

It is ordered that:

1. The application is dismissed.

February 5, 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.