



**Order under Section 9(2)
Residential Tenancies Act, 2006**

File Number: LTB-T-003629-25

In the matter of: Lot 65, 200 Square Bay Road
Spring Bay Ontario P0P2B0

Between: Darryl Resmer Tenant

And

Jacquiline Beites Landlord
Santa Maria Resort and Cottages

Darryl Resmer (the 'Tenant') applied for an order to determine whether the *Residential Tenancies Act, 2006* (the 'Act') applies.

This application was heard by videoconference on January 29, 2026.

The Landlord Jacquiline Beites and the Tenant attended the hearing.

When the capitalized word "Landlord" is used in this order, it refers to all persons or companies identified as a Landlord at the top of the order. When the capitalized word "Tenant" is used in this order, it refers to all persons identified as a Tenant.

Determinations:

1. Based on the evidence before me, I am satisfied on a balance of probabilities that the Act does not apply to the rental unit or residential complex.
2. The parties agreed that the rental unit is a trailer in a park which contains 103 other trailers, 8 cottages, and 18 campsites for trailers and recreational vehicles. The 103 trailer lots are rented by the season which runs from May 1 to September 30. The cottages and campsites are also rented daily, weekly or monthly, to the public from May 1 to September 30.
3. The park has permanent water and sewage hookups; however, they are turned off from October to April, and residents are not charged rent during these months. While in exceptional distances they are permitted to access their trailers during the day, such as after a larger ice storm, they are not permitted to spend the night in the park, which is closed and not staffed from October to April.
4. The parties also introduced seasonal applications for 2024 and 2025 which make it clear that the space is rented by the season from May to September and no further lease agreement was entered into by the parties. The season applications are only for May to

September, and while residents are permitted to leave their trailers in the park for the rest of the year, they are not charged for these months.

5. The Tenant testified that he had tried to determine whether the Act applies, and it was not clear to him whether it did. The Landlord testified that in their view the Act did not apply as the unit is a seasonal rental and is therefore exempt from the Act.
6. Section 5(a) of the Act states that the following accommodation is exempt from the Act:

(a) living accommodation intended to be provided to the travelling or vacationing public or occupied for a seasonal or temporary period in a hotel, motel or motor hotel, resort, lodge, tourist camp, cottage or cabin establishment, inn, campground, trailer park, tourist home, bed and breakfast vacation establishment or vacation home;
7. Based on the parties testimony and evidence I am satisfied that the complex is both intended to be provided to vacationing or travelling public, and to be occupied for a temporary or seasonal period in a campground/trailer park. The complex clearly only rents units/spaces seasonally from May to September and is closed the rest of the year. Therefore, I am satisfied that it is captured by the exemption in Section 5(a) of the Act.
8. Therefore, I find that the Act does not apply.

It is ordered that:

1. The *Residential Tenancies Act, 2006* does not apply.

February 6, 2026

Date Issued

Reid Jackson

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.

