



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

Citation: Leclair v Beauchamp, 2026 ONLTB 20959

Date: 2026-03-13

File Number: LTB-L-042790-25

In the matter of: 128 Third Ave
Sudbury Ontario P3B3P8

Between: Lizanne Leclair Landlord

And

Cora Hanninen aka Cora Doull Respondents
Marc Giroux
Kyle Pilon

Lizanne Leclair (the 'Landlord') applied for an order to determine whether the *Residential Tenancies Act, 2006* (the 'Act') applies.

This application was heard by videoconference on February 5, 2026.

The Landlord, Lizanne Leclair (LL), the Landlord's daughter, Elysa Beauchamp (EB), the Respondent Cora Doull (CD), and their son, Kyle Pilon (KP), attended the hearing.

The other named respondent, Marc Giroux (MG), already vacated the property.

Determinations:

1. At the hearing, after hearing submissions from both sides I had determined that the Act applies. However, after carefully considering the testimony and after listening to the hearing recording, I do not believe this is the case for the following reasons.
2. The intention of the parties when CD and MG took up occupancy of the basement on December 30, 2023 was that they would be staying for a short period until they could find their own rental unit and the basement offered them much needed privacy. Their stay in the basement was a result of a threat of homelessness for CD as the property that she had paid a deposit on to rent was not ready for occupancy for December 1, 2023.
3. On this basis, the accommodations are exempt pursuant to subsection 5(f) of the Act as the intention of the parties was for short-term living accommodation provided as emergency shelter.
4. On October 4, 2023 when CD requested to stay at the property it was only supposed to be for a couple of weeks. At the hearing she also confirmed that she was never intending to

stay long-term but that other housing options were less ideal and there are limited housing options in Sudbury.

5. As a gesture of goodwill, the Landlord and their daughter, EB, provided CD a place to stay until they could find something more suitable. CD is the mother of EB's boyfriend, Brandon who also lived at the property.
6. In this regard, CD and MG began paying \$900.00 inclusive per month on January 2, 2024 for their own private use of the basement for short term use. The fact that CD has continued to reside in the basement for over two years, does not make them a tenant for the purpose of the Act. The intention has always been that the basement would be used until CD could find alternative housing and it was only every supposed to be short-term as evidenced by the ongoing dialogue between the parties. The Landlord never consented to have KP live in the basement with all of his cats.
7. While CD only disclosed their T1 application under LTB-T-097859-23 against her former landlord, I am also aware of file LTB-L-009195-24, in which CD's son, KP, was evicted from a rental unit which was in the name of MG on or about November 1, 2024. It would appear that CD was in the process of renting another unit at that same address until it was not ready for occupancy on December 1, 2023.
8. According to the parties, prior to taking up occupancy in the basement, CD would attend the property and stay periodically prior to the December 30th move in date. Given that EB and CD's son, Brandon, were occupying the basement prior to their arrival as testified by CD, it is more likely than not that CD also shared a kitchen or bathroom with the Landlord's daughter and Brandon which would provide a further exemption under section 5(i) of the Act.
9. Although there is private access to the basement through the side door, there is no kitchen in the basement. There was a wet bar with a sink and fridge and a convection oven. This is acceptable for short-term housing, but not full-time occupancy.
10. Even if I am wrong and the unit is not exempt pursuant to subsections 5(f) or 5(i), after considering subsection 202(1) of the Act and the true substance of the relationship of the parties, there was never an intention of either party that this would be anything more than short-term accommodations provided based on their close relationship with one another.
11. I do not accept CD's evidence that she never stayed at the property at the invitation of EB prior to December 30, 2023 or had shared use of the house during her stay. Her own testimony was that EB and her son, Brandon, were staying in the basement until CD and CD's boyfriend, MG, took of residency in the basement on December 30, 2023. If CD was staying there prior, they had to have used the shared property with EB and Brandon during their stay.
12. To put this relationship in it simplest of terms, is to describe a case where a family member is invited to stay for a short period and they have overstayed their welcome and taken advantage of their hosts kindness because of other less ideal housing options. This is not a situation where I can find that the Act applies based on the totality of evidence before me.

It is ordered that:

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

March 13, 2026
Date Issued

Terri van Huisstede
Member, Landlord and Tenant Board

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