



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

Citation: Spisar v Spisar, 2026 ONLTB 24846

Date: 2026-03-30

File Number: LTB-T-015261-26

In the matter of: Bedroom 1 - 54 Tennant Dr
Smith Falls On K7A4S5

Between: Jiri Spisar Tenant

And

Zdenek Spisar Landlord

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

This application was heard by videoconference on March 19, 2026.

The Landlord, the Landlord's support person Irene Spisar, the Landlord's legal representative Jason Dudley and the Tenant attended the hearing.

Determinations:

1. The parties agreed:

- To amend the application to reflect that the correct rental unit is Bedroom 1.
- The Tenant resides in the rental unit, in a single-family home.
- The Tenant is the son of the Landlord.
- Another occupant (Thomas Spisar) also resides in the building (Bedroom No.2) and the occupant is the Tenant's brother.
- There is only one kitchen in the residential complex. The Tenant shares the kitchen with his brother Thomas Spisar.
- The Landlord owns the property.

2. Subsection 5 of the Act states 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.

[Emphasis Added]

3. Based on the evidence before me, I am satisfied on a balance of probabilities that the Act does not apply to the rental unit. The Landlord owns the property. The Tenant lives in the single-family home and occupies a bedroom. The Tenant is the son of the Landlord and shares the single kitchen with his occupant brother - who is also the Landlord's son. Since there is only one kitchen in the building, I am satisfied in the circumstances of this case that the Tenant is required to share the kitchen with his brother. Thus, the Act does not apply.

It is ordered that:

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

March 30, 2026

Date Issued

Inderdeep Padma

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.