



Order under Section 31 Residential Tenancies Act, 2006

Citation: CHAN v Lai, 2026 ONLTB 26315

Date: 2026-03-31

File Number: LTB-T-088064-25

In the matter of: 6 PENWICK CRES
RICHMOND HILL ON L4C5B4

Between: Ka Po Chan Tenant

And

Ho Sum Lai Landlord

Ka Po Chan (the 'Tenant') applied for an order determining that Ho Sum Lai (the 'Landlord'):

- entered the rental unit illegally.
- 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 March 23, 2026.

Determinations:

1. As explained below, the Tenant did not prove the allegations contained in the application on a balance of probabilities. Therefore, the application is dismissed.
2. Section 5(i) of the *Residential Tenancies Act, 2006*, (the 'Act'), states that a rental unit in which the tenant is required to share a kitchen or bathroom with the landlord or specified family members is exempt from the Act.
3. This residential complex is a detached two-storey home with a basement. There is one kitchen in the home. The Landlord lived in the basement and the Tenant lived on the second floor. Sharing a kitchen or bathroom does not require that the parties involved be using it at the same time. Because there is only one kitchen, all occupants of the home are required to share it. Therefore, the rental unit is exempt from the Act pursuant to section 5(i).

It is ordered that:

1. The application is dismissed.

March 31, 2026
Date Issued

Dawn Carr
Member, Landlord and Tenant Board

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