



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

File Number: LTB-T-038999-25

In the matter of: Room, 55 David Drive West
Ottawa Ontario K2G2N2

Between: Silvia Yanez Applicant

And

Waleed E-Awal Khan Respondent

Silvia Yanez (the 'Applicant') applied for an order to determine whether the *Residential Tenancies Act, 2006* (the 'Act') applies.

This application was heard by videoconference on March 26, 2026.

The Applicant and the Respondent attended the hearing.

Determinations:

1. The Applicant seeks determination as to whether the Act applies to her occupancy of the unit where she formerly resided. For the reasons that follow, I am satisfied that it does not.
2. The Applicant occupied the rental unit on June 15, 2024.
3. The rental unit consisted of one single room within a house with shared washroom and kitchen facilities. The room did not contain a private ensuite bathroom and/or any cooking facilities.
4. The Applicant identified one kitchen on the main floor of the rental property. She believed a secondary kitchen existed on the upper level, but she did not have any direct knowledge of this. The Applicant confirmed having to share the kitchen and washroom with the other occupants.
5. The Applicant testified that the rental property had a total of approximately 10 occupants that resided in the property and shared the common kitchen and bathrooms.
6. The Applicant also testified that she was informed by another occupant that the owner of the property also resides in the rental property and maintains their own room in the rental property.

7. The Applicant testified that during her occupancy she observed the Respondent on occasion in the kitchen warming up his food. The Applicant also identified a small mini fridge located in the kitchen which she believed to belong to the Respondent.
8. The Respondent testified that he is the owner of the rental property and that he has resided in the rental property on a permanent basis since his purchase of the property in late 2023.
9. The Respondent testified that the rental property is rented to individuals by the room with shared kitchen and washroom facilities. The Respondent also testified that the rental property only has one kitchen throughout and that the Respondent shares the kitchen and the bathrooms with the occupants that occupy the property.
10. The Respondent tendered documents in the form of utility bills to show that his address is listed as that of the rental property.
11. Section 5(i) of the Act 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.

12. 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 because the Applicant/Occupant is required to share a kitchen or bathroom facility with the Respondent/Owner as the rental property has one kitchen.

It is ordered that:

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

April 10, 2026
Date Issued

Ilan Shingait
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.