



Order under Section 31 Residential Tenancies Act, 2006

File Number: LTB-T-077623-25

In the matter of: ROOM, 1788 MCGILL COURT NORTH
OSHAWA ON L1G8A3

Between: OTHNIEL BROWN Tenant

And

JAFAR SHARIFIBABAKI Landlord

OTHNIEL BROWN (the 'Tenant') applied for an order determining that JAFAR SHARIFIBABAKI (the 'Landlord'):

- 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 February 9, 2026.

The Landlord and the Tenant attended the hearing. Also in attendance was the Landlord's daughter, and Farsi-English language interpreter.

Determinations:

1. For the reasons that follow, I find the *Residential Tenancies Act, 2006* does not apply with respect to this tenancy and the Tenant's application is dismissed. For ease of reference, the parties in the order are referred to as Landlord and Tenant.
2. By way of background, this tenancy began on May 1, 2025 and ended on December 25, 2025 when the Tenant moved out of the rental unit. The lawful monthly rent was \$650.00 and due on the first of the month.
3. The following facts are agreed to by the parties:
 - i. The Landlord resides at the premises and has his own bathroom;
 - ii. The Tenant lives upstairs in a bedroom;
 - iii. There are approximately 10-11 residents at the property.
4. 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;

5. While there was no dispute about the Landlord having his own bathroom, contradictory evidence was provided about the kitchen at the premises. The Landlord was adamant that he had a kitchen in his section however the Tenant testified to encountering the Landlord on several occasions in the kitchen on the main level. No further evidence was presented by the Landlord to corroborate his assertion that he had a kitchen in his designated portion of the house.
6. From the evidence provided at the hearing, I find that there are two kitchens on the property, one on the main level and the other in the basement. The parties confirmed the Landlord did not reside in the basement. Therefore I find the Landlord shared the kitchen on the main floor with the tenants and the exemption found at section 5 (i) of the Act applies to this tenancy.
7. As such, the application must be dismissed as the Act does not apply.

It is ordered that:

1. The Tenant's application is dismissed.

April 14, 2026

Date Issued

Sonia Anwar-Ali

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.