



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

Citation: Bouabdallah v Pante, 2026 ONLTB 28968

Date: 2026-04-14

File Number: LTB-T-041674-25

In the matter of: 12, 12 Pin Lane
Scarborough Ontario M1J3J5

Between: Fahd Bouabdallah Tenant

And

Christine Pante Landlord

Fahd Bouabdallah (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 and the Tenant attended the hearing.

Determinations:

1. Based on the evidence before me, I am satisfied on a balance of probabilities that section 5(i) of the *Residential Tenancies Act, 2006* (hereinafter referred to as the "Act") does not apply to the rental unit.
2. 5(i) of the Act, which sets out exemptions to the Act, states "living accommodation whose occupant is required to share a bathroom or kitchen facility with the owner, owner's spouse, child or parent of owner and where the owner, spouse, child or parent lives in the building in which the living accommodation is located."
3. The Tenant's position is that this rental unit is not an exemption under 5(i) of the Act for the following reasons:
 - a) This house has a basement, a ground floor, a main floor and an upper floor. The Landlord and her family reside in the main floor and upper floor. The Tenant resides in a room in the basement and he is required to share the basement bathroom with the two tenants who reside on the ground floor;
 - b) The Tenant has a kitchenette in the basement where he has access to a fridge, microwave and he has his own air fryer which he uses for most of his cooking. The female tenants who live on the ground floor also use the kitchenette. Although there is a kitchen on the main floor of the house, he has never used the kitchen and

throughout his tenancy, he had no need to use the kitchen. The Tenant stated that all of his cooking was done in his kitchenette in the basement; and

- c) The Tenant was not required to share a kitchen or bathroom with the Landlord who also resides in the house.
4. The Landlord's position is that this rental unit is an exemption under 5(i) of the Act for the following reasons:
- a) The Landlord confirmed the composition of the house and provided a cross-section layout of the house. In the basement, the Tenant has a locked bedroom, there is a common bathroom, a common cupboard area (microwave and fridge) and a common laundry room. The ground floor/level includes two bedrooms for the other two tenants, a powder room and a foyer. The main level includes a living room, dining room and full kitchen which is a shared space. The upper level includes three bedrooms and two bathrooms and it is not a shared space;
 - b) The Landlord stated that the only kitchen in the entire house is on the main level and so it is a shared kitchen for all of the tenants. Further she stated that when she and her husband do their laundry in the common laundry room, their children often accompany them and use the common bathroom in the basement and
 - c) The Tenant was required to share a kitchen and bathroom with the Landlord as the Landlord lives in the house and the only kitchen is on the main level.
5. The Tenant is not required to share a bathroom or a kitchen with the Landlord. The Tenant resides in the basement and must share the kitchenette and the bathroom on that floor with the female tenants who reside on the ground level, which is one floor above him.
6. The Landlord's submission that the Tenant has to share/use the kitchen on the main level was not borne out of the evidence. The Tenant testified that he had never used the kitchen two floors above him as he had everything that he required in his kitchenette which was conveniently in the basement.
7. The 5(i) exemption sets out that the Tenant must be required to share a bathroom and/or a kitchen with the Landlord or a child or parent of the Landlord who is also living in the residential unit. I am satisfied that the Landlord and her family reside in the unit.
8. I am satisfied that the exemption under section 5(i) of the Act does not apply in the instant case and as such, the Act applies to this tenancy.

It is ordered that:

- 1. The Act applies to this residential tenancy between the Landlord and the Tenant.
- 2. The Landlord shall pay the Tenant the application fee of \$53.00 by April 25, 2026.

April 14, 2026
Date Issued

Carrie Bertrand
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.