



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

File Number: LTB-L-059972-25

In the matter of: 2 BOBOLINK RD
HAMILTON ON L9A2P2

Between: Johanna Pezo Passos Landlord

And

Kingsley Ofoe Doe Tenant

Johanna Pezo Passos (the 'Landlord') applied for an order to determine whether the *Residential Tenancies Act, 2006* (the 'Act') applies.

This application was heard by videoconference on April 15, 2026.

Only the Landlord attended the hearing.

As of 9:27 a.m., the Tenant was not present or represented at the hearing although properly served with notice of this hearing by the LTB. There was no record of a request to adjourn the hearing. As a result, the hearing proceeded with only the Landlord's evidence.

Determinations:

1. The Landlords filed an A1 application for a determination of whether the Act applies to the relationship between the parties.
2. Based on the evidence before me, I am satisfied on a balance of probabilities that the *Residential Tenancies Act, 2006* (the 'Act') does not apply to the rental unit.
3. Section 3(1) of the Act sets out the application of the Act and provides the following: This Act, except Part V.1, applies with respect to rental units in residential complexes, despite any other Act and despite any agreement or waiver to the contrary.
4. However, not all living accommodations are governed by the Act. Section 5 specifically identifies a series of exempt living accommodations. In particular and of immediate interest is section 5(i) which provides the following exemption:

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. In this case, the Landlords acknowledged that their mother resides in the rental unit and the Tenant is required to share the kitchen with their mother.
6. As such, the tenancy falls under section 5(i) of the Act. This means the Act does not apply and the Board has no jurisdiction over this relationship.

It is ordered that:

1. The Act does not apply.

April 20, 2026
Date Issued

Vinuri Sivalingam
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.