



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

File Number: LTB-L-056438-25

In the matter of: 14 Leamington Avenue
Toronto ON M8Z2W4

Between: Lesia Dmytryszyn Landlord

And

Abdoul Latif Mashaka Tenant

Lesia Dmytryszyn (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 13, 2026 at 09:00 am.

The Landlord and the Tenant attended the hearing.

Preliminary issue:

1. At the outset of the hearing the Tenant requested an adjournment to facilitate their attendance to a specialist appointment, scheduled to commence within the hour and their requirement to commute to that location.
2. The Landlord opposed submitting that the Tenant had scheduled the appointment after receipt of the Notice of Hearing and claiming that this was merely a delay tactic which the Tenant denied.
3. Having considered the above submissions along with the Tenant's previously submitted request to reschedule, that was denied by another member, I denied the request, and directed I would hear the matter immediately in order to excuse the Tenant as soon as possible to attend the appointment.

Determinations:

4. Based on the evidence before me, I am satisfied on a balance of probabilities that pursuant to section 5i, the Act does not apply to the rental unit or residential complex.
5. Specifically, It was the Landlord's testimony, supported by pictures and a rental agreement entered in evidence that the rental unit consisted of a room in the basement of the house wherein the Landlord and the Tenant shared a kitchen and bathroom.

6. In response the Tenant did not deny signing the rental agreement but did deny that the Landlord lived at the property, but also admitted they had not provided any evidence to support their claim. They also testified that they would require until April 30, 2026 in order to find alternative accommodation.
7. Based on the above and the aforementioned evidence from the Landlord, namely the rental agreement and photos I am satisfied on the balance probabilities that they share a kitchen and bathroom with the Tenant and therefore pursuant to subsection 5i of the Act, the rental unit is exempt.

It is ordered that:

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

April 23, 2026
Date Issued

Kelly Delaney
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.