



Order under Section 21.2 of the Statutory Powers Procedure Act and the Residential Tenancies Act, 2006

Citation: Steele v Steele, 2026 ONLTB 33462

Date: 2026-04-23

File Number: LTB-L-010610-26-RV

In the matter of: 674 Hillview Road
Cambridge ON N3H5H3

Between: Sharon Steele Landlord

And

Jessica Steele Tenant

Review Order

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

This application was resolved by order LTB-L-010610-26, issued on April 2, 2026.

On April 22, 2026, the Tenant requested a review of the order.

A preliminary review of the review request was completed without a hearing.

Reasons:

1. On the basis of the submissions made in the request, I am not satisfied that there is a serious error in the order or that a serious error occurred in the proceedings.
2. In determining that the *Residential Tenancies Act, 2006* (RTA) did not apply to the tenancy, the Member made the following findings:
 - The Tenant originally rented a basement unit from the Landlord. Her tenancy was governed by the RTA.
 - The Tenant subsequently married the Landlord's son, who moved into the basement unit with her. Pursuant to *Cowie v. Bindish*, the tenancy was still governed by the RTA.
 - The Tenant and the Landlord's son then terminated their tenancy in the basement and jointly rented the upstairs unit, which is the subject of this application, from the Landlord.

- The upstairs tenancy is exempt from the RTA pursuant to section 5(i) because, from the start of the tenancy, the Tenant has been required to share a kitchen and bathroom with the Landlord's son.
3. On review, the Tenant argues that the Member erred. She argues that the Member found that the parties intended to enter into a tenancy for the upstairs unit, but nonetheless found that there was no tenancy. She argues that this was a self-contradictory result, and that the Member should have found that she was a tenant.
 4. There is no merit to the Tenant's argument. A finding that a tenancy is exempt from the RTA is not a finding that the tenancy does not exist. The Member expressly found that there was a tenancy and that the Tenant was a tenant. She found that the tenancy was exempt from the RTA pursuant to section 5(i). There is no contradiction in those findings.
 5. The Tenant has not identified any error in the decision. The review will be denied.

It is ordered that:

1. The request to review order LTB-L-010610-26 issued on is denied. The order is confirmed and remains unchanged.

April 23, 2026
Date Issued

Dale Whitmore
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.

