



Order under Section 31 Residential Tenancies Act, 2006

Citation: Ahmed v Soliman, 2026 ONLTB 31492

Date: 2026-04-27

File Number: LTB-T-010250-26

In the matter of: 357 ROSEDALE DRIVE
WHITBY ON L1N1Z2

Between: Wael Ahmed Applicant

And

Sam Soliman Respondent

Wael Ahmed (the 'Applicant') applied for an order determining that Sam Soliman (the 'Respondent'):

- altered the locking system on a door giving entry to the rental unit or residential complex without giving the Applicant replacement keys.

This application was heard by videoconference on February 13, 2026 and on April 15, 2026.

The Respondent and the Applicant attended the hearing. Charles Demunda ('CD') attended the first hearing as a witness for the Respondent.

Determinations:

1. As explained below, the Respondent established that it is more likely than not *the Residential Tenancies Act, 2006* (the 'Act') does not apply. The application is dismissed.
2. The Respondent relies on exemption 5(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".
3. The Respondent bears the burden of proof in establishing that the Act does not apply.
4. The Respondent testified that the residential complex is his principal residence. The Respondent and his son reside there and rent out individual rooms.
5. The Respondent has lived there for 25 years.

6. He relies on document 7328850 in Tribunals Ontario Portal. The document contains photos of the property including photos of the shared kitchen, shared washroom and the Applicant's room. It also includes messages from the Applicant that reference the Respondent's son as an occupant of the house. In the messages the Applicant complains about Respondent's son conduct at the residential complex (e.g. not turning lights off, throwing bottles in garbage bins etc.).
7. According to the Respondent, there is only one full kitchen at the property and 2 bathrooms. There are 2 bedrooms and a dining room that was converted into the Applicant's bedroom. At the commencement of the "tenancy", the residential complex was occupied by the Applicant, the Respondent, his son and two other roommates. One moved in in 2021 and the other one in 2022. Two bedrooms were added in the basement to accommodate everyone.
8. There is a 2-piece washroom in the basement and a full washroom on the main floor. The Respondent and his son use the main washroom.
9. There is one full kitchen on the main floor and kitchenette-style setup in the basement including a hot plate. There is only a mini fridge for soft drinks in the basement. The Respondent and his son use the main kitchen.
10. The Applicant asked one question on cross-examination. The Respondent confirmed that his bedroom is in the basement.
11. CD rents a room in the residential complex. He is not related to the Respondent.
12. He provided testimony that corroborates the Respondent's version of events. He moved into the residential complex on September 1, 2021. At that time the Applicant and the Respondent lived in the residential complex. He described the house layout. The description was consistent with the Respondent's.
13. CD confirmed that the Respondent lives at the residential complex and occupies a bedroom in the basement but with access to the entire house including shared kitchen and washroom upstairs.
14. The Applicant did not cross-examine CD.
15. The Applicant started testifying on February 13, 2026. He asserted that he did not share anything with the Respondent and the Respondent does not live in the house. He confirmed that CD lives there.
16. He then requested an adjournment of his own urgently scheduled application in order to consult a lawyer and to file evidence.
17. I granted the request and directed the Tenant to file his evidence on or before February 27, 2026.
18. On April 15th the Applicant provided similarly brief testimony that the Respondent does not reside at the property. He relied on documents 7458192 and 7474244. The documents include a video of his room and a couple of photographs of his room. They in no way assist the Board in determining whether the Respondent shares the kitchen or a washroom with

the Applicant. There was never a dispute that the Applicant occupied a room, which is what the Applicant's newly filed evidence appears to establish. The evidence also includes what appears to be messages exchanged by the parties after the Applicant was locked out in 2026. They are not related to the issue of whether or not the Act applies and focus on the Applicant's belongings at the residential complex.

19. On cross-examination he claimed that no one lived in the house when he moved into the rental unit. This is a perplexing statement on its face given that he only occupied a converted dining room.
20. He was then asked if he occupied the house alone and whether he found the room through a rental ad or in some other fashion. He then explained that the house was shared with other people.
21. He found the room because he knew the Respondent before he moved in. He knew that he lived at the property and inquired whether a room was available. The Respondent then gave him a key and rented a room to him.
22. Based on the totality of the evidence adduced at the hearing I find that it is more likely than not that the Act does not apply because the Applicant was required to share a washroom and a kitchen with the Respondent and/or with his son.
23. The Respondent provided uncontroverted testimony that he always lived at the property and always shared the only full kitchen and bathroom with the Applicant. He filed some corroborating evidence in support of his testimony.
24. CD also lives at the residential complex and provided uncontroverted testimony confirming the Respondent's version of the events.
25. There were minor inconsistencies in the Respondent's evidence, but it was otherwise logical and persuasive.
26. The Applicant's evidence consistent primarily of self-serving testimony that wasn't even internally consistent. He asserted that no one lived at the property but also admitted that the Respondent and other roommates lived there. He asserted that the Respondent never lived at the house but also appeared to take the position that he lived in the basement and/or lived there before a room was rented to the Applicant. The Applicant's corroborating evidence does not assist his argument that the Act applies.
27. Overall, I prefer the Respondent's evidence on a balance of probabilities and find that it is more likely than not that the Act does not apply.

It is ordered that:

1. *The Residential Tenancies Act, 2006* does not apply.
2. The application is dismissed.

April 27, 2026

Date Issued

Vladimir Nikitin
Member, Landlord and Tenant Board

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If you have any questions about this order, call 416-645-8080 or toll free at 1-888-332-3234.