



Order under Section 87 Residential Tenancies Act, 2006

Citation: Phan v Okoedion Ehinomen, 2026 ONLTB 34448

Date: 2026-05-05

File Number: LTB-L-099064-25

In the matter of: 74 GILLESPIE CRES
OTTAWA ON K1V0J4

Between: Thi Dieu Anh Phan Landlord

And

Merit Okoedion Ehinomen Former Tenant

Thi Dieu Anh Phan (the 'Landlord') applied for an order requiring Merit Okoedion Ehinomen (the 'Former Tenant') to pay the rent and daily compensation that the Former Tenant owes.

This application was heard by videoconference on April 27, 2026.

The Landlord and the Tenant, and Tenant Duty Counsel Melissa Bramson, attended the hearing.

Determinations:

1. As explained below, the Landlord did not prove the allegations contained in the application on a balance of probabilities. Therefore, the application is dismissed.
2. Based on the evidence before me, I am satisfied on a balance of probabilities that the Tenant's occupancy in the residential complex is exempt from the Act pursuant to s. 5(i) of the Act.
3. Section 5 of the Act states: 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.
4. The Landlord testified upon Board questioning that during the Tenant's residence at the Landlord's property the parties shared a kitchen, as was submitted by Tenant Duty Counsel.

5. Hence the Residential Tenancies Act, 2006 does not apply and this application must be dismissed.

It is ordered that:

1. The Landlord's application is dismissed as the *Residential Tenancies Act, 2006* does not apply.

May 5, 2026
Date Issued

Panagiotis P. Roupas
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.