



Order under Section 135 Residential Tenancies Act, 2006

File Number: LTB-T-055967-25

In the matter of: 15, . ASHDALE RD
BRAMPTON ON L6Y5M7

Between: Chandaniben Patel Tenants
Harsh Patel

And

Ravi Dave Landlord

Chandaniben Patel and Harsh Patel (the 'Tenants') applied for an order determining that Ravi Dave (the 'Landlord') collected or retained money illegally.

This application was heard by videoconference on February 23, 2026.

The Landlord and the Tenant, Chandaniben Patel, attended the hearing.

Determinations:

1. At the outset of the hearing, the Landlord submitted that the *Residential Tenancies Act, 2006* (the 'Act') does not apply because his son lived in the unit, and the Tenants were required to share a kitchen with him.
2. Subsection 5(i) of the Act states:

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;
3. The Landlord submitted that the rental property is a 3-bedroom semi-detached house. His son lives in the master bedroom, which has an ensuite bathroom. The remaining two bedrooms in the house are rented to other tenants. There is one kitchen facility available for the use of all the tenants.
4. The Tenant acknowledged that the Landlord's son was living in the rental property since before the outset of their tenancy, although they claim that they did not know that this

individual was the Landlord's son when they moved in. They submitted that they would not have moved into the rental unit if they knew that it was not going to come under the provisions of the Act.

5. The Tenant further submitted that the Landlord's son did not use the kitchen and that I should, therefore, not consider the kitchen as a "shared" facility.
6. The Landlord submitted into evidence a chain of text messages sent between the tenants in the unit which detailed that the Landlord's son participated in the regular cleaning of the kitchen area.
7. It was undisputed that the Landlord's son was living in the rental property at the commencement of the Tenants' tenancy and that there was only one kitchen facility in the rental property. I find, based on the evidence before me, on a balance of probabilities, that the Tenants and the Landlord's son were required to share a kitchen facility, and that on that basis this tenancy was exempt from the Act pursuant to subsection 5(i) of the Act.
8. Given my findings above, the LTB does not have jurisdiction to hear this application.

It is ordered that:

1. The Tenants' application is dismissed.

May 7, 2026
Date Issued

Curtis Smith
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.