



Order under Section 135 Residential Tenancies Act, 2006

File Number: LTB-T-079481-25

In the matter of: 353 GOLDENWOOD RD
NORTH YORK ON M2M2Z4

Between: Stephen Ogunfadebo Tenant

And

Justin Liu Landlord

Stephen Ogunfadebo (the 'Tenant') applied for an order determining that Justin Liu (the 'Landlord') collected or retained money illegally.

This application was heard by videoconference on March 30, 2026.

The Landlord and the Tenant attended the hearing.

Determinations:

1. At the outset of the hearing, the Landlord, who is also the owner of the unit, submitted that the *Residential Tenancies Act, 2006* (the 'Act') does not apply because he lived in the rental unit, and the Tenant was required to share a kitchen and bathroom with him.
2. Subsection 5(i) 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;
3. The Landlord submitted that the rental unit is located in the basement of a semi-detached house. The basement rental unit contains 3 bedrooms, a kitchen and a bathroom. There is a separate tenant (the Landlord's mother) who lives on the main floor of the rental property.
4. The Landlord submitted into evidence a rental agreement, wherein the Tenant was referred to as a "roommate" with the Landlord.

5. The Landlord confirmed the Tenant is required to share the kitchen and bathroom as there is no other option available in the basement rental unit – just one kitchen and one bathroom. The Tenant acknowledged that the Landlord lived in the basement and that he was to share living space (including a kitchen and bathroom) with the Landlord. At the time of signing a rental agreement with the Landlord, the Tenant did not understand that the Act would possibly not apply to the tenancy.
6. I find, based on the evidence before me, on a balance of probabilities, that the Tenant and the Landlord were required to share a kitchen and bathroom facility, and that on that basis this tenancy was exempt from the Act pursuant to subsection 5(i) of the Act.
7. Given my findings above, the LTB does not have jurisdiction to hear this application.

It is ordered that:

8. The Tenant's application is dismissed.

May 11, 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.