



Order under Section 31 Residential Tenancies Act, 2006

File Number: LTB-T-083662-25

In the matter of: 6354, 6354 Mary Jane Crescent
Ottawa ON K1C3C2

Between: Mary Angela Bayer Tenant

And

Mary Jane Lopez Landlord
Ryan Dave Del Rosario

Mary Angela Bayer (the 'Tenant') applied for an order determining that Mary Jane Lopez and Ryan Dave Del Rosario (the 'Landlord'):

- substantially interfered with the reasonable enjoyment of the rental unit or residential complex by the Tenant or by a member of their household.

This application was heard by videoconference on June 8, 2026.

The Landlord and the Tenant attended the hearing.

Determinations:

1. For the reasons that follow, I find the *Residential Tenancies Act, 2006* does not apply with respect to this tenancy and the application must be dismissed.

Preliminary Issue: Does the Act apply?

2. At the hearing, I raised a preliminary issue with respect to this tenancy – specifically, whether the Act applied.
3. The following facts are uncontested by the parties:
 - a) The named Landlord are not the owners of the residential complex but rather are tenants who rent from the owner of the property;
 - b) The Tenant paid the rent to the Landlord and rented a room;
 - c) Throughout the Tenant's tenancy, the Landlord has resided in the residential complex and shared the kitchen and bathroom with them;
 - d) The Tenant moved into the residential complex on October 19, 2024; there was no timeline set by the parties on when the Tenant was to move out of the property;

e) The Tenant did not sign a lease agreement with the owner Landlord.

4. The *Residential Tenancies Act, 2006* defines a landlord, tenant and subtenant as follows:

landlord” includes,

(a) the owner of a rental unit or any other person who permits occupancy of a rental unit, other than a tenant who occupies a rental unit in a residential complex and who permits another person to also occupy the unit or any part of the unit,

(b) the heirs, assigns, personal representatives and successors in title of a person referred to in clause (a), and

(c) a person, other than a tenant occupying a rental unit in a residential complex, who is entitled to possession of the residential complex and who attempts to enforce any of the rights of a landlord under a tenancy agreement or this Act, including the right to collect rent;

“tenant” includes a person who pays rent in return for the right to occupy a rental unit and includes the tenant’s heirs, assigns and personal representatives

“subtenant” means the person to whom a tenant gives the right under section 97 to occupy a rental unit;

2 (2) For the purposes of this Act, a reference to subletting a rental unit refers to the situation in which,

(a) the tenant vacates the rental unit;

(b) the tenant gives one or more other persons the right to occupy the rental unit for a term ending on a specified date before the end of the tenant’s term or period; and

(c) the tenant has the right to resume occupancy of the rental unit after that specified date.

5. Based on the evidence and submissions between the parties, I do not find the Landlord falls into the definition of a landlord under the *Residential Tenancies Act, 2006* as they do not own the property and because they are tenants who pay rent to the owner in exchange for the right to occupy the premises.
6. I do not find the named Tenant to be a tenant under the lease agreement as I find the named Tenant in the application to be an occupant/roommate of the named Landlord and not a subtenant as they assert in their application. I say this because the evidence before the Board does not demonstrate the owner Landlord consented to add the Tenant to the lease agreement; as well I do not find the criteria outlined in subsection 2(2) of the Act

applies to the living arrangement between the parties – the Tenant did not vacate the premises nor did the tenancy end on a specific date before the end of the Landlord's term.

7. As such I find the Act does not apply and the Tenant's application must be dismissed.
8. This order contains all of the reasons for the decision within it. No further reasons shall be issued.

It is ordered that:

1. The application is dismissed.

June 15, 2026
Date Issued

Sonia Anwar-Ali
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.