



**Order under Section 135
Residential Tenancies Act, 2006**

File Number: LTB-T-018659-26

In the matter of: 171 Charlton Blvd.
North York ON M2R2J2

Between: Sinae-zahara Pessoa-Smith Tenant

And

Idris Rustaie Landlord

Sinae-zahara Pessoa-Smith (the 'Tenant') applied for an order determining that Idris Rustaie (the 'Landlord') collected or retained money illegally.

This application was heard by videoconference on June 3, 2026.

Only the Tenant attended the hearing.

As of 9:57a.m., the Landlord was not present or represented at the hearing although properly served with notice of this hearing by the LTB. There was no record of a request to adjourn the hearing. As a result, the hearing proceeded with only the Tenant's evidence.

Determinations:

1. The rental unit in question is a room in the Landlord's home in which the Tenant and Landlord were required to share a kitchen. Given this, I find the living accommodation is exempted from the Residential Tenancies Act, 2006 (the 'Act') pursuant to section 5(i), which reads as follows:

Section 5 (i) *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;...

2. Based on this exemption in the Act, I am without jurisdiction to hear the Application, and it is dismissed without prejudice.

It is ordered that:

1. The Applicant's Application is dismissed.

June 12, 2026

Date Issued

Douglas Malanka

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.