



Order under Section 21.2 of the Statutory Powers Procedure Act and the Residential Tenancies Act, 2006

Citation: Shereni v Mlambo, 2026 ONLTB 49185

Date: 2026-06-22

File Number: LTB-L-106610-25-RV

In the matter of: 616 Roseheath Drive
Milton On L9T4V6

Between: Michelle Shereni Landlord
Winnie Shereni
Millicent Shereni

And

Chipso Tsitsi Mlambo Tenant

Review Order

Michelle Shereni, Winnie Shereni and Millicent Shereni (the 'Landlord') applied for an order to determine whether the *Residential Tenancies Act, 2006* (the 'Act') applies.

This application was resolved by order LTB-L-106610-25 issued on February 6, 2026.

On February 6, 2026, the Tenant requested a review of the order.

A preliminary review of the review request was completed without a hearing. In determining this request, I reviewed the materials in the LTB's file as well as the audio recording for this hearing.

Determinations:

1. The order under review finds that the *Residential Tenancies Act, 2006* (the 'Act') does not apply to this tenancy because it is exempt from the Act pursuant to paragraph "i" of s.5 of the Act. The Member came to this conclusion because she found that the Tenant is required to share a kitchen or bathroom facilities with one of the Landlords, who lives in the building.
2. The Tenant submits that paragraph 4 of the order incorrectly states that in the written lease "there is no reference to the basement unit." Paragraph 4 sets out the Landlords' testimony; it does not set out any findings of fact by the Member. The order makes no finding of fact as to whether the lease refers to the basement unit. In any event, whether the lease refers to the basement unit is not determinative of this case. The Member's determination that the exemption at paragraph 5(i) of the Act is based on the finding that the Tenant and one of the Landlords shared the kitchen and documentary evidence

supporting the Landlord Michelle Sherini's (MS's) testimony that she lived in the building before the Tenant moved in.

3. The Tenant submits that the Member erred by failing to consider evidence that the Landlord MS did not live in the building before the Tenant moved in. The evidence to which the Tenant refers is four audio clips capturing excerpts of a conversation she had with Winnie Sherini. Three of these clips do not establish that MS did not live in the house, mainly because essential context is missing. In the fourth, WS is heard saying "she came to the house when you moved in," "she's been living elsewhere," and "when you moved in the house was empty." At the hearing the Tenant referred to these audio clips but did not request that they be played in the hearing and the Tenant also did not question either WS or MS about these clips. If the Member had considered the fourth audio clip, the clip would not be sufficient to rebut MS's testimony that she lived in the house prior to the tenancy, supported with documentary evidence.
4. Considering the circumstances above, because the audio clips were not played in the hearing I am not satisfied that the Member erred by failing to consider them. Even if I am wrong and the Member so erred, it was not a serious error. The Landlords gave strong evidence that MS lived in the house prior to the tenancy. The audio clips, especially in the absence of any questions put to either WS or MS about them, are not sufficient to call the Landlords' strong evidence into question.
5. The Tenant submits that the Member made unreasonable findings based on a flawed evidentiary record. The Tenant submits that the order acknowledges that communication between the Landlords, who are sisters, was "strained and or not ongoing," but the Member did not consider that as a result of this imperfect communication, WS might not have been aware of all of the relevant facts. This submission actually supports the decision. The Tenant sought to rely on evidence of a conversation with WS, but if WS was not a reliable source of information about the status of the house and who is living in it, then the Tenant's evidence about WS's statements on this matter should be given little weight. In any event, MS gave cogent testimony that she lived in the unit prior to the commencement of the tenancy and this testimony was corroborated by documentary evidence.
6. On the basis of the submissions made in the request, I am not satisfied that there is a serious error in the order or that a serious error occurred in the proceedings.

It is ordered that:

1. The request to review order LTB-L-106610-25 issued on February 6, 2026 is denied. The order is confirmed and remains unchanged.

June 22, 2026
Date Issued

Renée Lang
Vice Chair, 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.