



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

Citation: REIMMER v AHMED, 2023 ONLTB 34964

Date: 2023-05-03

File Number: LTB-L-018915-23

In the matter of: A, 48 HAYNES AVENUE EAST ST
CATHARINES ON L2R3Z1

Between: FERDINAND REIMMER Landlord

And

EUGENE ETROO Tenants
MOHAMED AHMED

FERDINAND REIMMER (the 'Landlord') applied for an order to determine whether the *Residential Tenancies Act, 2006* (the 'Act') applies.

This application was heard by videoconference on April 26, 2023.

Only the Landlord attended the hearing.

As of 9:26 a.m., the Tenants were 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 Landlord's evidence.

Determinations:

1. For the reasons tat follow, I find the *Residential Tenancies Act, 2006* (the 'Act') does not apply to this tenancy.
2. The Landlord testified that he moved into the rental property on September 30, 2022 due to personal family circumstances. On October 5, 2022 he signed a rental agreement with Eugene Etroo and Mohamed Ahmed as roommates and that they would be sharing a kitchen or bathroom with the him.
3. The Landlord also testified that that Eugene Etroo and Mohamed Ahmed were not living in the home prior to October 5, 2022, and that he shared a kitchen and/or bathroom with both.

4. Pursuant to section 5(i) of the *Residential Tenancies Act, 2006*, (the 'Act'), where the Tenant shares a kitchen r bathroom with the Landlord the tenancy is exempt from the Act.
5. The case law establishes that exemptions from the Act must be based on the conditions at the start of the tenancy (see *Re File No. CET-01628 (Van der Kooey)* [2000] O.R.H.T.D. No. 207 (O.R.H.T.)).

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6. Based on the uncontested evidence and testimony before me, I find that the Landlord shares a kitchen and/or bathroom with the Tenants and has done so since the beginning of their tenancy, therefore pursuant to section 5(i) of the Act, the Act does not apply.
7. This order contains all the reasons for the decision within it. No further reasons shall be issued.

It is ordered that:

1. The *Residential Tenancies Act, 2006* (the 'Act') does not apply to this tenancy

May 3, 2023

Date Issued

Diane Wade

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.

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