



**Order under Section 69
Residential Tenancies Act, 2006**

Citation: Mondal v Velez, 2022 ONLTB 10981

Date: 2022-11-07

File Number: LTB-T-049231-22

In the matter of: 1811, 55 MAITLAND ST
TORONTO ON M4Y1C9

Between: Prasanna Mondal Tenant

And

Maribel Velez Landlord

2022 ONLTB 10981 (CanLII)

Prasanna Mondal (PM) (the 'Tenant') applied for an order determining that Maribel Velez (the 'Landlord') harassed, obstructed, coerced, threatened or interfered with him entered the rental unit illegally and substantially interfered with the reasonable enjoyment of the rental unit or residential complex by the Tenants or by a member of their household.

The Tenant requested permission of the Board to withdraw the application. The request was denied.

This application was heard by videoconference on September 28, 2022.

The Landlord and the Tenant attended the hearing.

Determinations:

1. The Landlord submitted that the *Residential Tenancies Act, 2006* (the 'Act') does not apply.
2. The rental unit is a room in an apartment. PM signed a room rental agreement, effective May 1, 2022, that gave him access to common areas (bathroom, kitchen, living room hallway, and balcony). The agreement obligated PM to share a bathroom and kitchen with the Landlord and follow house rules.
3. PM misunderstood the agreement and believed that the Landlord lived elsewhere. However, the Landlord keeps her belongings in the unit and sleeps in the living room/kitchen area. The Landlord's presence in the unit is not an illegal entry. As PM was required to share a kitchen and bathroom with the Landlord, the Act does not apply.

It is ordered that:

1. The Act does not apply.

November 7, 2022
Date Issued

Egya Sangmuah
Vice Chair, 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.