I hereby certify this is a true copy of an Order dated
Oct 15, 2026
Jana Rozehnal
Landlord and Tenant Board

Order under Section 9(2)
Residential Tenancies Act, 2006

File Number: LTB-T-052108-26

In the matter of: 1181 Fantham Road
Fauquier On P0L1G0

Between: Eugene Kennedy — Tenants
Tabera Kennedy

And

Stephen Wagler — Landlords
Marlene Wagler

Eugene Kennedy and Tabera Kennedy (the 'Tenants') applied for an order to determine whether the *Residential Tenancies Act, 2006* (the 'Act') applies.

This application was heard by videoconference on October 6, 2026.

The Landlord, Stephen Wagler, and the Tenants attended the hearing.

Determinations:

1. Based on the evidence before me, I am satisfied that the Act applies to the rental unit.

Facts:

2. The facts were undisputed. The Tenants own their home, and lease the land in a land lease community identified as Lac Gerard Campgrounds.

3. The Tenants have been residing in the home for 5 or 6 years. They reside in the home year-round. One of the Tenants works at the local convenience store and the postal system.

4. The Tenants have had annual leases with the previous Landlord. The rent has been regularly increased according to the Rent Increase Guidelines.

5. The current Landlords, who took possession of the property on June 1, 2026, attempted to enter into a new lease agreement with the Tenants. The new lease agreement sought an increase of rent by 43 %. The Landlords also sought to add a clause to the lease identifying the lease as a seasonal lease agreement.

6. These proposed changes to the lease agreement prompted the Tenants to file this application to determine whether the Act applies to their rental unit.

Analysis:

7. Section 2 of the Act defines a rental unit as any living accommodation used or intended for use as rented residential premises, and includes a site for a mobile home or site on which there is a land lease home used or intended for use as rented residential premises.

8. Pursuant to section 2 of the Act, a land lease community as the land on which one or more occupied land lease homes are situate and includes the rental units and the land, structures, services and facilities of which the landlord retains possession and that are intended for the common use and enjoyment of the tenants of the landlord.

9. And a land lease home means a dwelling, other than a mobile home, that is a permanent structure where the owner of the dwelling leases the land used or intended for use as the site for the dwelling.

10. A residential complex includes a mobile home park or land lease community.

11. I also considered section 5 of the Act, which deals with exemptions from the Act.

12. Section 5(a) states that the Act does not apply with respect to,

    living accommodation intended to be provided to the travelling or vacationing public or occupied for a seasonal or temporary period in a hotel, motel or motor hotel, resort, lodge, tourist camp, cottage or cabin establishment, inn, campground, trailer park, tourist home, bed and breakfast vacation establishment or vacation home.

13. Although, the Landlord's lands may be referred to as a campground, it is the use of the particular rental unit, not the overall use of the complex that determined whether the Act applies.

14. In this instance, the Tenant's home is a permanent structure owned by the Tenants. It is situated on a site in the land lease community. The Tenants lease the site from the Landlord. The site is their rental unit.

15. The Tenants have occupied the rental unit year-round. It was not and was not intended to be occupied as temporary living or seasonal accommodation.

16. The new Landlords are estopped from changing the agreement between original Landlord and the Tenants.

17. As such, the Act applies.

It is ordered that:

1. The *Residential Tenancies Act, 2006* applies.

October 15, 2026
Date Issued

Jana Rozehnal
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.