



Order under Section 31 Residential Tenancies Act, 2006

Citation: Khan v bukhari, 2026 ONLTB 7580

Date: 2026-01-28

File Number: LTB-T-038876-25

In the matter of: Room, 401 Bagetta Cres
Mississauga ON L5R3H2

Between: Israt Jahan Khan Tenant

And

Kalsoom Bukhari Landlord

Israt Jahan Khan (the 'Tenant') applied for an order determining that Kalsoom Bukhari (the 'Landlord'):

- Collected or retained money illegally **(T1 application)**.
- Entered the rental unit illegally **(T2 application)**.
- Gave a notice of termination in bad faith. **(T5 application)**.

This application was heard by videoconference on January 20, 2026. Only the Tenant attended the hearing. As of 9:30am, 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 Tenant's applications were filed on May 10, 2025.
2. As explained below, all three of the Tenant's applications are dismissed.

T5 application:

3. The Tenant's T5 application contains no details and/or pleadings. At the hearing I inquired from the Tenant about the allegations relating to the application, to which the Tenant confirmed that no N12 or N13 notice was served to her by the Landlord.
4. A T5 application is filed either pursuant to section 57(1) or 57.1 of the *Residential Tenancies Act, 2006* (the Act). Both sections apply where a landlord has failed to fulfill or carry out their stated intentions in either a N12 or N13 notice of termination.

5. As the Landlord never served the Tenant with a N12 or N13 notice, the T5 application must be dismissed.

T1 & T2 application:

6. Both the Tenant's T1 and T2 application state that they moved out of the rental unit on July 2, 2023.
7. The T1 application is filed pursuant to section 135(1) of the Act. Subsection 135(4) of the Act states that "No order shall be made under this section with respect to an application filed more than one year after the person collected or retained money in contravention of this Act or the *Tenant Protection Act, 1997*."
8. The Tenant's T2 application is filed pursuant to section 29(1) of the Act. Subsection 29(2) also states that "No application may be made under subsection (1) more than one year after the day the alleged conduct giving rise to the application occurred."
9. The wording of the Act is clear that both the applications filed by the Tenant contain a one-year limitation period from the date of the alleged conduct / contravention of the Act.
10. As the Tenant's applications were filed more than one-year after the date of the alleged conduct and/or contravention of the Act, the applications must be dismissed as the Board does not have jurisdiction to consider these applications.
11. This Order contains all the reasons for this matter. No further reasons will issue.

It is ordered that:

1. The Tenant's applications are dismissed.

January 28, 2026
Date Issued

Fabio Quattrociocchi
Member, Landlord and Tenant Board

15 Grosvenor Street, Ground Floor
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If you have any questions about this order, call 416-645-8080 or toll free at 1-888-332-3234.