



Order under Section 31 Residential Tenancies Act, 2006

Citation: khan v Shaikh, 2026 ONLTB
10152 **Date:** 2026-02-02
File Number: LTB-T-043399-25

In the matter of: 5-2325 Hurontario St
Mississauga ON L5A4K4

Between: ISRAT JAHAN Jahan Khan Tenant

And

Jahir Shaikh Landlord

ISRAT JAHAN Jahan khan (the 'Tenant') applied for an order determining that Jahir Shaikh (the 'Landlord'):

- Entered the rental unit illegally. (T2 application)
- Gave a notice of termination in bad faith. (T5 application)
- failed to meet the Landlord's maintenance obligations under the *Residential Tenancies Act, 2006* (the 'Act') or failed to comply with health, safety, housing or maintenance standards. (T6 application)

This application was heard by videoconference on January 27, 2026.

Only the Tenant attended the hearing.

As of 10:43am, 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 28, 2025.
2. As explained below, all three of the Tenant's applications are dismissed.
3. The Tenant vacated the rental unit on November 30, 2020.

T5 application

4. The Tenant's application is barred by section 57(2) of the *Residential Tenancies Act, 2006* (RTA), which provides that the application may not be filed more than one year after the Tenant vacated.
5. The Tenant argues that the section 57(2) time limit should run from the date that she discovered that the Landlord had given the N12 in bad faith. She did not rely on any case law.
6. It is true that the Landlord and Tenant Board (LTB) has held that the discoverability principle can apply to some limitation periods under the RTA (*TET-00140-09 (Re)*, [2009 CanLII 74525 \(ON LTB\)](#)). However, the Divisional Court held in *Sharma v. Sandhu*, [2020 ONSC 6536 \(CanLII\)](#) that discoverability does not apply to the limitation period in section 57(2). In light of *Sharma*, which is binding on the LTB, the Tenant's argument cannot succeed.

T2 and T6 application

7. The Tenant's T2 and T6 applications are 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."
8. 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.

It is ordered that:

1. The Tenant's applications are dismissed.

February 2, 2026
Date Issued

Colin Elsby
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.