



Order under Section 57 Residential Tenancies Act, 2006

Citation: Esmailpour v Zhou, 2026 ONLTB 11285

Date: 2026-02-09

File Number: LTB-T-038912-25

In the matter of: BASEMENT, 99 ROCKPORT CRESCENT
TORONTO ON L4C2L9

Between: Shahin Esmailpour Tenants
Samaneh Askari Bagherabadi

And

Christine Zhou Landlord

Shahin Esmailpour and Samaneh Askari Bagherabadi (the 'Tenantd') applied for an order determining that Christine Zhou (the 'Landlord') gave a notice of termination in bad faith.

This application was heard by videoconference on January 29, 2026.

The Landlord, and the Tenant, Shahin Esmailpour, attended the hearing. The Tenant confirmed they have the authority to speak on behalf of the other Tenant.

Determinations:

1. The Tenant confirmed receipt of an N12 notice of termination ('N12 Notice') from the Landlords and vacated the rental unit on May 1, 2024.
2. The Tenant further confirmed that they signed their T5 application on May 13, 2025 and it was filed with the Board on the same day.
3. A preliminary issue was raised regarding the Board's jurisdiction to hear the application given that it was not filed within one year of the Tenants vacating the rental unit.
4. The Tenant adamantly disagreed with the Board and would not accept that their application could not proceed because it was filed outside of the limitation period.
5. As explained at the hearing, subsection 57(2) of the *Residential Tenancies Act, 2006* (the 'Act') states:

57 (2) No application may be made under subsection (1) more than one year after the former tenant vacated the rental unit.

6. The wording of subsection 57(2) in the Act is clear. A tenant must file their T5 application within one year of the date they vacated the rental unit.
7. As a result of the one year limitation period in the Act, the Board has no jurisdiction to proceed with the Tenants' T5 application.
8. The Tenants' T5 application is dismissed at the Tenants did not bring the application within the limitation period as required by the Act.

It is ordered that:

1. The Tenants' application is dismissed.

February 9, 2026
Date Issued

Susan Priest
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.