



Order under Section 57 Residential Tenancies Act, 2006

File Number: LTB-T-001866-25

In the matter of: 61 PELHAM PARK GDNS
TORONTO ON M6N1A8

Between: ROBERT JAMES DELAY Tenant

And

TCHC Landlord

ROBERT JAMES DELAY (the 'Tenant') applied for an order determining that TCHC (the 'Landlord') was required to allow the Tenant to move back into the unit under section 53 of the *Residential Tenancies Act, 2006* (the "Act") and failed to do so.

This application was heard by videoconference on February 10, 2026.

Only the Tenant attended the hearing.

As of [TIME], the Landlord and the Purchaser was/were 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. For the following reasons the Tenant's application is dismissed.
2. Board records indicate the Tenant filed the application on January 8, 2025.
3. The Tenant indicated in the application the Tenant vacated the rental unit on February 1, 2007.
4. The Tenant checked off box #4 on the application and provided the following description and details for the reason for the filing of the application:

Charges of assault of a neighbor on my floor were dropped and TCHC wasn't silicified with the result to kept me homeless on Purpose for 3 years until 85 Spencer Avenue, Toronto, ON

The Act and Analysis

5. Section 57 of the *Residential Tenancies Act*, 2006 (the “Act”) states:

Former tenant’s application where notice given in bad faith

57 (1) The Board may make an order described in subsection (3) if, on application by a former tenant of a rental unit, the Board determines that,

(c) the landlord gave a notice of termination under section 50 in bad faith, the former tenant vacated the rental unit as a result of the notice or as a result of an application to or order made by the Board based on the notice, and the landlord did not demolish, convert or repair or renovate the rental unit within a reasonable time after the former tenant vacated the rental unit. 2006, c. 17, s. 57 (1).

Time limitation

(2) No application may be made under subsection (1) more than one year after the former tenant vacated the rental unit. 2006, c. 17, s. 57 (2).

6. At the hearing I reviewed the Tenant’s information in the application specifically I inquired as to the vacate date of February 1, 2007.
7. The Tenant confirmed that he vacated the rental unit on February 1, 2007 but not by his choosing.
8. I asked the Tenant to confirm this date to ensure it was not a clerical error in the application. The Tenant restated he vacated the rental unit identified in the application on February 1, 2007.
9. With the totality of the evidence and submissions before me the Tenant has filed an application more than one year after the vacate date.
10. A Tenant may not file an application more than one year after the Tenant vacates the rental unit in accordance with section 57(2).
11. As a result of the one-year limitation period in the Act, the Board has no jurisdiction to deal with the Tenant’s T5 application.
12. Therefore, the Tenant’s application must be dismissed.
13. Although this order does not specifically address each piece of evidence individually or reference all the testimony, I have considered all of the evidence presented at the hearing and all of the oral testimony when making my determinations.
14. This order contains all reasons for the determinations and order made. No further reasons will be issued.

It is ordered that:

1. The Tenant's application is dismissed.

February 18, 2026
Date Issued

Greg Brocanier
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.