



Order under Section 57 Residential Tenancies Act, 2006

File Number: LTB-T-092012-25

In the matter of: UPPER, 431 BIGELOW ST
PORT PERRY ON L9L1N3

Between: Andrea Nauta Tenant

And

Carl Durward Landlord

Andrea Nauta (the 'Tenant') applied for an order determining that Carl Durward ('Landlord') gave a notice of termination in bad faith.

This application was heard by videoconference on March 24, 2026.

Lynette Jackson ('Landlord') attended the hearing as a landlord and owner of the property. She stated that both her and Carl Durward are landlords and owners of the property and advised Carl Durward would not be attending the hearing. Lynette Jackson confirmed she would be representing both her and Carl Durward's interests at the hearing.

The Landlord, Lynette Jackson, the Tenant and the Tenant's Advocate, Ryan Thompson attended the hearing.

Determinations:

1. The Tenant filed a T5 application on October 31, 2025, claiming that the Landlord had given a notice of termination in bad faith. The application must be dismissed because it was filed more than one year after the Tenant vacated the rental unit.
2. This application was filed under s 57 of the *Residential Tenancies Act, 2006* ('Act'). Section 57(2) provides:

Time limitation

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

[emphasis added]

3. The Tenant admitted that she vacated the rental unit on October 15, 2024 and filed this application on October 31, 2025. This is 16-days over the 1-year limitation period in s.57(2). As per s.56 of Reg.516/06 the LTB does not have the authority to extend the limitation period.
4. As a result, I find that the LTB cannot consider this application because it was file after the 1-year limitation period.

It is ordered that:

1. The Tenant's Application is dismissed.

March 31, 2026
Date Issued

Angela Smith
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.