



**Order under Section 57
Residential Tenancies Act, 2006**

File Number: LTB-T-071584-25

In the matter of: 60 WAKELIN TERR
ST CATHARINES ON L2M4K9

Between: Richard Florio Tenant
Julie Rodwell

And

10113204 Canada Inc. Landlord

Richard Florio and Julie Rodwell (the 'Tenant') applied for an order determining that 10113204 Canada Inc. (the 'Landlord') gave a notice of termination in bad faith.

This application was heard by videoconference on March 30, 2026.

The Landlord's legal representative, Carson Frankum, the Tenant's legal representative, John Leonard Lambe, and the Tenants attended the hearing.

Determinations:

1. During the hearing, I raised a preliminary issue that the Tenants' T5 application should be dismissed because it was filed after the one-year limitation period set out in the *Residential Tenancies Act, 2006*, (the 'Act').
2. It was undisputed that the Tenants filed their T5 application with the Board more than one year after they vacated the rental unit. There is no dispute that the Tenants vacated the rental unit on August 2, 2024. The Tenant's filed their T5 application on October 3, 2025.
3. Section 57(2) of the Act states:

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

4. The wording of section 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.

5. 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.
6. The T5 application is dismissed as the Tenants did not bring the application within the limitation period required by the Act.

It is ordered that:

1. The Tenant's T5 application is dismissed.

April 1, 2026
Date Issued

Teresa Hunt
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.