



## **Order under Section 77 Residential Tenancies Act, 2006**

**File Number:** LTB-L-030341-26

**In the matter of:** B or Rear, 418 Glasgow Street  
Kitchener ON N2M2N2

**Between:** Doug Cornwell Landlord

**And**

Greg Berry Tenant

Doug Cornwell (the 'Landlord') applied for an order to terminate the tenancy and evict Greg Berry (the 'Tenant') because the Tenant entered into an agreement to terminate the tenancy.

This application was considered without a hearing being held.

### **Determinations:**

1. The Tenant gave notice to terminate the tenancy as of March 1, 2026.
2. Under subsection 77(3) of the *Residential Tenancies Act, 2006* (the "Act"), the Landlord must bring an L3 application not later than 30 days after the termination date specified in the agreement to terminate the tenancy.
3. The Landlord filed the application on April 7, 2026.
4. More than 30 days having elapsed between the termination date and the filing of this application, the application is barred by limitation and the Board lacks jurisdiction to issue an order terminating the tenancy.
5. I will take this opportunity to address the substantial compliance provisions recently enacted as subsection 212(2) of the Act, specifically:
  - (2) For greater certainty, an error in the contents of a form, notice or document still constitutes substantial compliance with this Act, as long as the error does not significantly prejudice a party's ability to participate in a proceeding under this Act.
6. While section 190 of the Act does provide the Board a broad discretion to extend or shorten timelines, the provisions of O. Reg. 516/06, s. 56 have the effect of prohibiting the Board from extending the time for filing an application under section 77.
7. The specific prohibition on extending time contained in O. Reg. 516/06, s. 56 in my view has paramountcy over the general provision of subsection 212(2) of the Act, having regard

to general principles of statutory interpretation that a general provision generally cannot prevail over a specific provision. The late filing of the application, contrary to subsection 77(3) of the Act, cannot be cured by subsection 212(2) of the Act.

8. In the alternative, the error in the application before me is in my view one of is one of failing to bring an application in time, not “an error in the contents of a form, notice or document”. Thus, even if the foregoing interpretation of paramountcy is in error, the real substance of the defect in this application is beyond the scope of subsection 212(2) of the Act, and the defect cannot be cured by that subsection.
9. The application fails to disclose a cause of action and must be dismissed.

**It is ordered that:**

1. The Landlord’s application is dismissed.

**April 13, 2026**  
**Date Issued**

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**Trish Carson**  
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.