



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

**File Number:** LTB-T-089893-25

**In the matter of:** 1915, 51 Lower Simcoe  
Toronto ON M5J3A2

**Between:** Seija Ann Spence Tenant

**And**

Carolyn McKenna Landlord

**And**

The Lotus Group Purchaser

Seija Ann Spence (the 'Tenant') applied for an order determining that Carolyn McKenna (the 'Landlord') and The Lotus Group (the 'Purchaser') gave a notice of termination in bad faith.

This application was heard by videoconference on April 27, 2026.

The Landlord, the Purchaser's agent, April Williams, and the Tenant attended the hearing.

**Determinations:**

1. For the reasons set out below, the Tenant's application is dismissed.
2. The Tenant's T5 application was filed on October 30, 2025, and alleges that the Landlord served the Tenant with an N12 notice of termination in bad faith.
3. The Tenants vacated the rental unit on August 24, 2024.
4. The Tenant's application is filed pursuant to section 57(1) of the *Residential Tenancies Act, 2006* (the Act) which states:

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,

(b) the landlord gave a notice of termination under section 49 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 no person referred to in clause 49 (1) (a), (b), (c) or (d) or 49 (2) (a), (b), (c) or (d) occupied the rental unit within a reasonable time after the former tenant vacated the rental unit; or

5. In addition, subsection 57(2) of the Act states:

**Time limitation**

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

6. The Tenant's application was filed more than one-year after the Tenant vacated the rental unit and as such, the Board does not have jurisdiction to consider the application pursuant to subsection 57(2) of the Act. As the Board does not have jurisdiction to hear the matter, the application must be dismissed.

**It is ordered that:**

1. The Tenant's application is dismissed.

**May 5, 2026**  
**Date Issued**

\_\_\_\_\_  
Vinuri Sivalingam  
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.