



Order under Section 57 Residential Tenancies Act, 2006

Citation: Anderson v Papier, 2026 ONLTB 35075

Date: 2026-05-07

File Number: LTB-T-092037-25

In the matter of: 1 Brooklyn Ave Apt. 4
Toronto ON M4M2X4

Between: James Kennedy Anderson Tenant

And

Morey Papier Landlord

James Kennedy Anderson (the 'Tenant') applied for an order determining that Morey Papier (the 'Landlord') gave a notice of termination in bad faith.

This application was heard by videoconference on April 28, 2026. The Landlord, an unnamed Landlord, Evan Papier, the Landlord's Representative, Barrington Lue Sang, and the Tenant attended the hearing.

Determinations:

Preliminary Issue:

1. The Landlord submits that the Tenant's application is statute-barred from being heard. The tenancy terminated on October 31, 2024; however, the Tenant's application was not filed until November 1, 2025.
2. In reviewing the Board's records, the Tenant's application was not completed until November 1, 2025, although the Tenant states he began the application prior to the end of the day on October 31, 2024. The Tenant's T5 application states the tenancy terminated on October 31, 2024.
3. Section 57(2) of the *Residential Tenancies Act* ('the Act') provides that no application can be made more than one year after the former Tenant vacated the rental unit.
4. Section 190(1) of the Act, states that the Board may extend or shorten the time requirements related to an application, but an application made pursuant to s. 57(2) of the Act is not included as one of the applications in which the Board has discretion.

5. Ontario Regulation 516/06, s.56(2), goes on further to state that the Board **may not** extend or shorten deadlines for filing applications, unless expressly permitted under s.190(1) of the Act.

6. Calculation of limitation periods is addressed in the Board's *Rules of Procedures*:

“[1.13] When something must be done within a specific number of days, the days are counted by excluding the first day and including the last day.

[1.14] When the time for doing anything ends on a holiday as defined in these Rules the thing may be done on the next day that is not a holiday.”

7. I reviewed the calendar and found October 31, 2024, was a Thursday. Therefore, the calculation of time was not impacted by a weekend or holiday.

8. After explaining that his application was made beyond the limitation period thus statute-barred, the Tenant then changed his evidence to state that he was still in possession of the rental unit on November 1, 2025, because he had cleaning to do. Therefore, his application was made in time.

9. In considering the Tenant's submission, the best evidence before me is the Tenant's own application which stated the tenancy terminated on October 31, 2024. I am not persuaded that the Tenant's oral testimony before me is credible on a balance of probabilities. I find it is more likely than not that the application accurately reflects the correct termination date because the Tenant, at the time of filing the application, would not have known his application would be statute-barred and would have not had any incentive to change his evidence.

10. I find that the tenancy terminated on October 31, 2024. Therefore, the one-year limitation period began on November 1, 2024, and ended on October 31, 2024.

11. Given the provisions of s. 57(2), the application is statute-barred, and pursuant to s. 190(1) of the Act, the Board has no authority to extend the deadline to an application made beyond that period. Therefore, the Tenant's application must be dismissed.

12. The Tenant further argues that disallowing his application will result in a miscarriage of justice.

13. The Board understands and appreciates the Tenant's frustration. However, limitation periods serve several important functions as stated by Madeline Robertson¹, including:

- create a defined time as to when potential defendants may be free of ancient obligations;
- prompt claims to proceed before evidence is lost to the passage of time;
- entice the plaintiff to act in a timely fashion; and
- account for the plaintiffs' own circumstances, as assessed through a subjective/objective lens, when assessing whether a claim should be barred by the passage of time (the discoverability principle).

¹[The Limitations Act: An Overview, 2005 CanLIIDocs 631](#)

14. I have considered all of the evidence presented at the hearing and all of the oral testimony and although I may not have referenced all of the testimony, I have considered it when making my determinations.

It is ordered that:

1. The Tenant's application is dismissed.

May 7, 2026
Date Issued

Jane Dean
Member, Landlord and Tenant Board

15 Grosvenor Street, Ground Floor
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If you have any questions about this order, call 416-645-8080 or toll free at 1-888-332-3234.