



Order under Section 57 Residential Tenancies Act, 2006

Citation: Boyer v Medeiros, 2026 ONLTB 40463

Date: 2026-05-28

File Number: LTB-T-091968-25

In the matter of: 2518 BLUE CHURCH RD
PRESCOTT ON K0E1T0

Between: Brenda Boyer Tenant

And

Fernando Medeiros Landlord

Brenda Boyer (the 'Tenant') applied for an order determining that Fernando Medeiros (the 'Landlord') gave a notice of termination in bad faith.

This application was heard by videoconference on May 19, 2026. The Landlord's Agent, Stacey Medeiros, the Landlord's Representative, Lorenzo Patino, and the Tenant attended the hearing.

Determinations:

1. For the following reasons, the Tenant's application is dismissed.
2. Subsection 57(2) of the Act requires a former tenant to file a bad faith application within one year of vacating the unit.
3. The Tenant testified that they received the N13 notice of termination from the Landlord on or around September 1, 2022, pursuant to section 50 of the Act.
4. The Tenant further testified that she moved out of the rental unit on November 22, 2022, as a result of the N13 notice. As a result, they would have until November 22, 2023 to file their application under section 57. However, the Tenant confirmed that they filed the application with the LTB on November 1, 2025, more than one year after vacating the rental unit.
5. Therefore, as explained at the hearing, because the application was filed beyond the one-year limitation period pursuant to subsection 57(2) of the Act, the application must be dismissed.

Costs against the Tenant:

6. At the hearing the Landlord's legal representative requested that the Board order costs against the Tenant for not attending the hearing and causing unnecessary legal costs for the Landlord.
7. Pursuant to the *Board's Interpretation Guideline 3*, costs are only awarded when a party acts unreasonably in the proceedings or if their conduct is unreasonable and causes undue expense or delay.
8. In my view, I do not find that it would be appropriate to order costs against the Tenant. As such, the Landlord's request for costs is denied.
9. This is the first scheduled hearing by the Board and there have not been any previous adjournments. As such, I cannot conclude that the Tenant's conduct was unreasonable and caused undue expense or delay.
10. Although the Landlord's representative may have sent an email to the Tenant on or about November 3, 2025, explaining the deficiencies with the application, the likelihood of the application being dismissed at the hearing, and requesting the Tenant to withdrawal, the Tenant genuinely believed her case had merit and decided to proceed with the application.
11. While I understand that that the Landlord may have incurred some costs as a result of having their legal representative prepare and attend the hearing, the Tenant, who is unrepresented, admitted that she did not receive proper legal advice prior the hearing and was unclear about what to do. The Landlord's representative admitted that he spent minimal time, under 30 minutes, preparing for the hearing and to attend the hearing.
12. The Landlord's loss was minimal, and the Tenant should not be punished for attempting to enforce their legal rights by filing an application.
13. As such, I am unable to conclude that the Tenant has acted unreasonable during the hearing of this matter or that her conduct has willfully caused undue delays. The Landlord's request for costs is therefore denied.

It is ordered that:

1. The Tenant's application is dismissed.

May 28, 2026
Date Issued

Colette Myers
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.