



Order under Section 21.2 of the Statutory Powers Procedure Act and the Residential Tenancies Act, 2006

File Number: LTB-T-073712-25-RV

In the matter of: 169, 1250 MISSISSAUGA VALLEY BLVD
MISSISSAUGA ON L5A3R6

Between: Ulysses Mangual Tenant

And

Alex Distor Landlord

Review Order

Ulysses Mangual (the 'Tenant') applied for an order determining that Alex Distor (the 'Landlord') gave a notice of termination in bad faith.

The hearing was held on April 21, 2026. This application was resolved by order LTB-T-073712-25 issued on April 27, 2026.

On May 7, 2026, the Tenant requested a review of the order and that the order be stayed until the request to review the order is resolved.

On May 8, 2026 interim order LTB-T-073712-25-RV-IN was issued, staying the order issued on April 27, 2026

This application was heard by videoconference on June 1, 2026.

Only the Tenant attended the hearing. I was satisfied that the Landlord had received the Notice of Hearing and there was no request to adjourn before me. Based on this, I proceeded to hear the review at 3:12 p.m.

Review Hearing Determinations:

1. The Tenant requested a review of the Board's order on the ground that he was not reasonably able to participate in the hearing. The review of order LTB-T-073712-25 issued on April 27, 2026, is granted.
2. The Tenant says that on the date of the hearing, he was working as a forklift operator, dropped his phone, and ran it over and crushed it rendering it inoperable. The Tenant says he was unable to replace the phone in time for the hearing. The Tenant has since replaced his phone.

3. In *King-Winton v. Doverhold Investments Ltd.*, [2008] O.J. No. 4697 (Ont. Div. Ct.), the Divisional Court stated that, “being reasonably able to participate in the proceeding must be interpreted broadly, natural justice requires no less”.
4. The evidence as submitted by the Tenant is uncontested. As such, I am satisfied that the Tenant was not reasonably able to participate in the proceedings because his phone was inoperable and could not join the hearing.
5. As a result of my decision, I cancelled order LTB-T-073712-25 issued on April 27, 2026 and proceeded to hear the Tenant’s uncontested T5 application.

T5 Application Determinations:

6. At the beginning of the hearing, I raised a preliminary issue concerning s. 57(2) of the *Residential Tenancies Act, 2006* (‘the Act’), which states:

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

7. The Tenant testified that although no formal notice of termination was given, the Tenant says that the Landlord told the Tenant that he needed to vacate the rental unit because the Landlord was selling it. The Tenant testified that he vacated the rental unit on April 28, 2023.
8. This application is brought forth under section 57(1) of the Act. Under 57(2) of the Act, it is clear that the Tenant must file their T5 application within one year of the date they moved out of the rental unit.
9. 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.
10. As such, the T5 application is dismissed.

It is ordered that:

1. The request to review order LTB-T-073712-25 issued on April 27, 2026 is granted. The order is cancelled and replaced with the following.
2. The Tenant’s T5 application is dismissed.

June 8, 2026
Date Issued

Paula West Oreskovich
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.