



**Order under Sections 9(2) / 30 / 31
Residential Tenancies Act, 2006**

Citation: Westmoreland v Shen, 2026 ONLTB 44404

Date: 2026-06-05

File Number: LTB-T-037469-24

In the matter of: 1, 2221 SUNNYDALE DRIVE
BURLINGTON ON L7P1G1

Between: Cameron Westmoreland Tenant

And

Dong Shen Landlords
Rongming Huang

T2 Application:

Cameron Westmoreland (the 'Tenant') applied for an order determining that Dong Shen and Rongming Huang (the 'Landlords'):

- entered the rental unit illegally.
- substantially interfered with the reasonable enjoyment of the rental unit or residential complex by the Tenant or by a member of their household.
- harassed, obstructed, coerced, threatened or interfered with the Tenant.
- did not give the Tenant 72 hours to remove their property from the rental unit or from some place close to the rental unit after the Sheriff evicted the Tenant.

T6 Application:

The Tenant also applied for an order determining that the Landlords failed to meet the Landlords' maintenance obligations under the *Residential Tenancies Act, 2006* (the 'Act') or failed to comply with health, safety, housing or maintenance standards.

A1 Application:

The Tenant also applied for an order to determine whether the Act applies.

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

The Landlord, Rongming Huang, the Tenant, and the Tenant's legal representative, Damian Cordaie ('DC'), attended the hearing.

Determinations:

Preliminary Issues

A1 Application

1. The A1 application was withdrawn by the Tenant on a previous hearing before the LTB (see DOC-6603035). The application having been withdrawn, the LTB's file is closed relative to the A1 application.

T2 Application

2. The T2 application was filed on April 18, 2024. The tenant vacated the rental unit on March 18, 2024.
3. The T2 application form filed by the Tenant does not include any allegations. In the part of the form designated for the explanation of reasons for filing the application, the Tenant wrote "... see Appendix A to Form T2 ..", however the appendix was not filed with the application.
4. The application was scheduled for an Adjudicative Case Conference ('ACC') on January 28, 2025. The LTB's records indicate that the Tenant attended the ACC with a legal representative. The presiding Member's adjournment sheet states, *inter alia*, that the Appendix to the T2 application was missing, and that the Tenant's legal representative said this issue would be addressed through a request to amend the T2 application. The adjournment sheet also indicates that the Tenant and his legal represented were directed to deliver the request to amend the T2 application by March 28, 2025 (see DOC-4945223).
5. No request to amend the T2 application was served and filed until May 21, 2026 (DOC-799881 & DOC-7998803).
6. I accept that the Tenant did not intentionally neglect to file the appendix when the T2 application was filed, but the result of the absence of this document is that the T2 application, as filed, made no factual allegations. This was not rectified until the Tenant delivered the request to amend the application more than 2 years later, on May 21, 2026.
7. The T2 application was filed pursuant to ss. 29(1) of the Act. Subsection 29(2) of the Act prescribes a one-year limitation period for this type of application. The LTB does not have jurisdiction to order a remedy relative to anything that happened more than one year before the application was filed: ss. 29(2), *Residential Tenancies Act, 2006*; *Vlahovich v. Toronto Community Housing Corporation*, 2010 ONSC 1686 (CanLII).
8. Although the application was originally filed about one month after the tenancy ended, because the application was devoid of allegations at the time, the limitation period ought to run from May 21, 2026, the date the request to amend the application was delivered, and the first time any allegation was made relative to this application.
9. Parties are not permitted to file blank application to preserve a limitation period, only to add the allegations later by requesting to amend the blank application. This would amount, in

my view, to an impermissible circumvention of the limitation period, and would defeat the Legislature's intent in implementing the limitation periods in the Act.

10. I accept that circumvention of the limitation period was not the Tenant's intent, but it would be the effect if I were to grant the request to amend the application and not consider the issue of the limitation period.
11. The Tenant's submission was that his former legal representative was supposed to serve and file the request to amend earlier, but to the surprise of the Tenant, the legal representative failed to do so. This may be the case, but even if the Tenant was failed by his former legal representative and does not himself bear responsibility for this failure, I do not have jurisdiction to extend limitation periods: ss. 190, *Residential Tenancies Act, 2006*; ss.50(2), *General*, O. Reg. 516/06.
12. The request to amend the application was filed more than two years after the tenancy ended. All allegations included in the amended application are barred by the statutory limitation period.
13. The request to amend the T2 application is denied because no allegations included in the amended application are within the statutory limitation period.
14. The T2 application is dismissed because no allegations are made in it.

T6 Application

15. At the hearing, the Tenant, through DC, requested to withdraw the T6 application, and I consented to the request.

It is ordered that:

1. The T2 application is dismissed.
2. The A1 and T6 applications having been withdrawn, the LTB's file is closed.

June 5, 2026
Date Issued

Mark Melchers
Member, Landlord and Tenant Board

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