



Order under Section 57 Residential Tenancies Act, 2006

Citation: Barraclough v Olopade, 2026 ONLTB 47877

Date: 2026-06-24

File Number: LTB-T-016525-26

In the matter of: 2 Basement, 43 Leaden Hall Drive
East Gwillimbury ON L9N0R5

Between: Silvia Barraclough Tenant

And

Abiodun Olopade Landlord

Silvia Barraclough (the 'Tenant') applied for an order determining that Abiodun Olopade (the 'Landlord') gave a notice of termination in bad faith.

This application was heard by videoconference on June 16, 2026.

The Tenant, the Landlord, and the Landlord's Legal Representative, Thirusenthuran Sivapatham, attended the hearing.

Determinations:

1. At the onset of the hearing, I raised with the parties the preliminary issue of whether the Tenant filed their application within the statutory limitation period.
2. There is no dispute the Tenant received an N12 notice of termination from the Landlord.
3. As a result of the N12, the Tenant vacated the rental unit. The Tenant stated that she vacated on the either December 13 or 14, 2024. The Landlord provided the date of December 12, 2024. It was agreed that the Tenant vacated on or about mid-December 2024.
4. The Tenant filed a T5 application with the Landlord and Tenant Board (on January 12, 2026, approximately 13 months after vacating.
5. Section 57(2) of the *Residential Tenancies Act, 2006* (the 'Act') stipulates a one-year limitation period for filing a T5 application:

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

6. The Tenant testified that they initially attempted to file their T5 application online in October 2025 but were delayed due to technical difficulties. The Tenant chose not to mail the application because of potential delays with Canada Post.
7. The Landlord's Legal Representative relied on the Divisional Court case of *Sharma v. Sandhu*, 2020 ONSC 6536, in which the Divisional Court held that section 57(2)'s one-year limitation period prevails over conflicting provisions in the *Limitations Act*, and is not subject to the common law principle of discoverability.
8. The LTB is bound by the decisions of the Divisional Court and, as a result, the Tenant's application must be dismissed because it was filed beyond the one-year limitation period.

It is ordered that:

1. The Tenant's T5 application is dismissed.

June 30, 2026
Date Issued

Heather Woodside
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.