

Order under Section 94(11)
Residential Tenancies Act, 2006

File Number: LTB-C-077688-25-SA

In the matter of: **214 – 52 Promenade Richelieu**
Welland, ON L3B 6C4

Between: **Coopeerative D'Habitation Beauparlant Inc.** **Co-op**

And

Marie-Myrtha Augustin
Saint-Ange Mauvais **Co-op Members**

Coooperative D'Habitation Beauparlant Inc., (the 'Co-op') applied for an order to end the occupancy of the Members unit and evict Marie-Myrtha Augustin and Saint-Ange Mauvais (the 'Co-op Members') because the Co-op Members failed to meet a condition specified in order LTB-C-030301-25-SA, issued on June 16, 2025.

The application was resolved by order LTB-C-077688-25 issued on September 22, 2025.

The Co-op Members filed a motion to set aside order LTB-C-077688-25. The motion was heard by videoconference on November 5, 2025.

The Co-op's legal representative, J. Callender, the Co-op's agent, T. Noel, and the Co-op Member, Saint-Ange Mauvais, attended the hearing.

Determinations:

1. The Co-op Member did not dispute that they did not meet the following condition specified in the order: The Co-op Members failed to pay the regular monthly housing charge for September 2025 on or before September 1, 2025, and failed to pay \$160.08 towards arrears on or before September 1, 2025.
2. It was undisputed that the Co-op Members have also defaulted on their October and November housing charges. The Co-op Member alleges that he made a payment of \$1,179.20 to the Co-op on either October 31, 2025, or November 3, 2025. Proof of payment was not submitted by the Co-op Member and the Co-op denies having received such payment to date. It was undisputed that up to November 30, 2025, the arrears have increased to \$3,788.58.

3. The Co-op Member testified that he missed his payments because he fell behind in miscellaneous expenses. The Co-op Member stated that he will try to cover November's housing charge by November 21, 2025, together with the arrears payment of \$160.08.
4. The Co-op Member requests a second chance. The Co-op Member testified that he is the only individual available to provide financial support for his family, as both his wife and his son are waiting for immigration status. Currently, their work permits have expired, as a result, neither his wife nor son are able to work. The Co-op Member is currently employed, earning \$2,400.00 a month. The monthly expenses total \$2,700.00 inclusive of housing charges. The Co-op Member testified that he has a \$5,000.00 credit card debt but he cannot afford to make payments towards such debt at this time.
5. The Co-op Member asserts that he can have all of the arrears paid off by January or February 2026. If evicted, he is unsure of how much time is needed to vacate as finding alternative accommodations has been difficult. The Co-op Members have been residing in the unit for 15 years and request additional time to pay off the arrears.
6. The Co-op is opposed to the Motion. The Co-op's representative submits that the arrears relate to 2024 housing charges. The Co-op Members have received numerous payment plans which have all been breached. To date, neither October nor November housing charges have been paid. This is the second motion filed by the Co-op members resulting in the Co-op having to incur additional legal expenses. The Co-op requests the stay be lifted immediately or in the alternative, for the Board to issue a standard order if the motion is granted.
7. Having regard to all the circumstances, I am not satisfied that it would not be unfair to set aside the order.
8. It is evident that the occupancy is no longer viable. The Co-op Members source of income totals \$2,400.00 with monthly expenses of \$2,700.00, leaving the Co-op Members in a deficit of \$300.00 a month. The monthly expenses do not take into consideration the arrears payment the Co-op Members are required to make or the credit card debt, currently held by the Co-op Member. Although the Tenant asserts that a \$1,179.20 payment was made to the Co-op, such payment has not been received by the Co-op. The Co-op Member testified that he will "try" to make the November housing charge payment by November 21, 2025 but failed to give submissions on where the money would come from.
9. The Co-op relies on members paying their housing charges to pay for the mortgage and bills. Considering that this is the second motion filed by the Co-op Members, I am satisfied that the Co-op has provided the Co-op Members with sufficient opportunities to pay off the arrears.

10. The Co-op Members' failure to comply with the previous payment agreements and LTB order, coupled with the facts that the arrears have increased suggest that the Co-op Members are unable to maintain this occupancy.
11. Therefore, the motion to set aside the termination order is denied. Given the delay in issuing this order, a short delay to January 31, 2026, will be issued. Additional time cannot be provided, as I am not satisfied that the Co-op Members will make any housing charge payments in the interim.
12. All of my reasons in support of this order are contained in the above paragraphs. No further reasons will be issued.

It is ordered that:

1. The motion to set aside order LTB-C-077688-25, issued on September 22, 2025 is denied.
2. The stay of order LTB-C-077688-25 is lifted on January 31, 2026.

January 8, 2026
Date Issued

Mayra Sawicki
Members, 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.