



**Order under Section 94.7
Residential Tenancies Act, 2006**

File Number: LTB-C-095911-25

In the matter of: TH32, 168 GALLOWAY RD
SCARBOROUGH ON M1E1X2

Between: Ann Marie Hill Housing Co-operative Inc. Co-op

And

Joseph Nyarkoh Co-op Members
Elizabeth Nyarkoh

Ann Marie Hill Housing Co-operative Inc. (the 'Co-op') applied for an order to end the occupancy of the Members unit and evict Joseph Nyarkoh and Elizabeth Nyarkoh (the 'Co-op Members') because the Co-op Members did not pay the regular monthly housing charges that the Co-op Members owe and because the Co-op Members have been persistently late in paying the Co-op Members' regular monthly housing charges.

A Case Management Hearing was held on January 29, 2026. The following party participated in the Case Management Hearing: The Co-op's representative, Nicole Ruby.

The Co-op Members were not present or represented at the hearing. I confirmed that the Co-op Members was properly served with notice of this hearing by the Landlord and Tenant Board. There was no record of a request to adjourn the hearing. There was also no response filed by the Co-op Members in response to the application. As a result, the hearing proceeded with consideration of the Co-op's evidence exclusively.

Determinations:

1. The Co-op served the Co-op Members with a valid Notice to End Occupancy for Non-payment of Regular Monthly Housing Charges (N4C Notice). The Co-op Members did not void the notice by paying the amount of regular housing charges owing by the termination date in the N4C Notice or before the date the application was filed.
2. The Co-op also served the Co-op Members with a valid Notice to End Occupancy for persistent late payment of Regular Monthly Housing Charges (N8C Notice).
3. The Co-op Members did not file a response to the application. Therefore, they are deemed to have accepted all the facts and allegations in the application pursuant to Rule 12.5 of the LTB's Rules of Procedure.

4. As of the hearing date, the Co-op Members were still in possession of the Members unit.
5. The regular monthly housing charge is \$1,584.00. It is due on the 1st day of each month.
6. Since the application was filed, the Co-op Members have been late in paying the regular monthly housing charges in 12 of the last 12 months.
7. The daily compensation is calculated as follows: \$1,584.00 x 12, divided by 365 days.
8. The regular monthly housing charges owing to January 30, 2026 are \$2,278.00.
9. The Co-op incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.
10. There are no refundable deposits held by the Co-op.
11. I have considered all of the disclosed circumstances in accordance with subsection 94.12(2) of the Residential Tenancies Act, 2006 (the 'Act'), and find that it would be unfair to grant relief from eviction pursuant to subsection 94.12(1) of the Act.

It is ordered that:

1. The Co-op Members' occupancy is terminated unless the Co-op Members void this order.
2. **The Co-op Members may void this order and continue the occupancy by paying to Co-op or to the LTB in trust:**
 - \$4,048.00 if the payment is made on or before February 13, 2026. See Schedule 1 for the calculation of the amount owing.
3. The Co-op Members may also make a motion at the LTB to void this order under section 74(11) and 94.16(2)(b) of the Act, if the Co-op Members has paid the full amount owing as ordered plus any additional regular monthly housing charges that became due after February 13, 2026 but before the Court Enforcement Office (Sheriff) enforces the eviction. The Co-op Members may only make this motion once during the occupancy agreement with the Co-op.
4. **If the Co-op Members do not pay the amount required to void this order the Co-op Members must move out of the Members unit on or before February 13, 2026**
5. If the Co-op Members do not void the order, the Co-op Members owe the Co-op \$2,390.32. This amount includes arrears of regular monthly housing charges owing up to the date of the hearing and the cost of filing the application. Any refundable deposits are deducted from the amount owing by the Co-op Members. See Schedule 1 for the calculation of the amount owing.
6. The Co-op Members shall also pay the Co-op compensation of \$52.08 per day for the use of the unit starting February 14, 2026 until the date the Co-op Members moves out of the unit.
7. If the Co-op Members do not pay the Co-op the full amount owing on or before February 13, 2026, the Co-op Members will start to owe interest. This will be simple interest calculated from February 14, 2026 at 4.00% annually on the balance outstanding.

8. If the unit is not vacated on or before February 13, 2026, then starting February 14, 2026, the Co-op may file this order with the Court Enforcement Office (Sheriff) so that the eviction may be enforced.
9. Upon receipt of this order, the Court Enforcement Office (Sheriff) is directed to give vacant possession of the unit to the Co-op on or after February 14, 2026.

February 2, 2026
Date Issued

Ryan Gacnik
Hearings Officer, 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.

In accordance with section 81 of the Act, the part of this order relating to the eviction expires on August 14, 2026 if the order has not been filed on or before this date with the Court Enforcement Office (Sheriff) that has territorial jurisdiction where the rental unit is located.

Schedule 1
SUMMARY OF CALCULATIONS

A. Amount the Co-op Members must pay to void the eviction order and continue the occupancy if the payment is made on or before February 13, 2026

Regular Monthly Housing Charges Owing To February 28, 2026	\$3,862.00
Total Other Housing Charges	\$0.00
Application Filing Fee	\$186.00
NSF Charges	\$0.00
Total the Co-op Members must pay to continue the occupancy	\$4,048.00

B. Amount the Co-op Members must pay if the occupancy is terminated

Regular Monthly Housing Charges Owing To Hearing Date	\$2,204.32
Total Other Housing Charges	\$0.00
Application Filing Fee	\$186.00
NSF Charges	\$0.00
Total amount owing to the Co-op	\$2,390.32
Plus daily compensation owing for each day of occupation starting January 30, 2026	\$52.08 (per day)