



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

**File Number:** LTB-C-011207-25

**In the matter of:** Unit 506, 174 JOHN GARLAND BLVD  
ETOBICOKE ON M9V5G1

**Between:** Maurice Coulter Housing Co-operative Inc. Co-op

**And**

Kayla Rubena Charles Co-op Member

### C1 Application

Maurice Coulter Housing Co-operative Inc. (the 'Co-op') applied for an order to end the occupancy of the member unit and evict Kayla Rubena Charles (the 'Co-op Member') because the Co-op Member did not pay the regular monthly housing charges that the Co-op Member owes. The Co-op also claimed other housing charges on the application.

### C2 Application

Maurice Coulter Housing Co-operative Inc. (the 'Co-op') also applied for an order to end the occupancy of the member unit and evict Kayla Rubena Charles (the 'Co-op Member') because the Co-op Member has been persistently late in paying the Co-op Member's regular monthly housing charges.

A Case Management Hearing was held on May 28, 2025. The Parties were unable to resolve the application. Therefore, the matter proceeded to a merits hearing. This application was heard by videoconference on January 27, 2026.

Only the Co-op's legal representative Hunter Stone attended for the Co-op.

As of 9:15 a.m., the Co-op Member was not present or represented at the hearing although properly served with notice of this hearing by the LTB. There was no record of a request to adjourn the hearing. As a result, the hearing proceeded with only the Co-op's evidence.

### **Determinations:**

#### C1 Application

1. The Co-op served the Co-op Member with a valid Notice to End Occupancy for Non-payment of Regular Monthly Housing Charges (N4C Notice). The Co-op Member 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 Member 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.
3. As of the hearing date, the Co-op Member was still in possession of the member unit.
4. The regular monthly housing charge is \$1,205.00. It is due on the 1st day of each month.
5. The daily compensation is calculated as follows: \$1,205.00 x 12, divided by 365 days.
6. The regular monthly housing charges owed by the Co-op Member's has been adjusted to include a subsidy adjustment credit of \$1,794.00, since the application was filed.
7. The regular monthly housing charges owing to January 31, 2026, are \$19,231.00.
8. The Co-op Member also owes the Co-op \$395.00 for other housing charges specifically, late fees.
9. The Co-op incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.
10. The Co-op Member is owed \$270.00 for refundable deposits. The total refundable deposit is set off against the amount the Co-op Member owes.

#### C2 Application

11. As explained below, the Co-op has not proven on a balance of probabilities the grounds for termination of the occupancy in the application. Therefore, the C2 application is dismissed.

#### *N8C Notice of Termination*

12. On January 20, 2025, the Co-op gave the Co-op Member an N8C notice of termination with a termination date of March 31, 2025. The Co-op's N8C notice alleges that the Co-op Member "paid [their] regular monthly housing charges late in May and July."
13. I do not find that two non-consecutive months of housing charges being paid late during a one-year period constitutes "persistently late" as contemplated by the Act. Accordingly, the Co-op's C2 application is dismissed.

#### Relief From Eviction

14. 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:**

#### C1 Application

1. The Co-op Member's occupancy is terminated unless the Co-op Member voids this order.

2. **The Co-op Member may void this order and continue the occupancy by paying to Co-op or to the LTB in trust:**
  - \$21,017.00 if the payment is made on or before February 16, 2026. See Schedule 1 for the calculation of the amount owing.
3. The Co-op Member 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 Member has paid the full amount owing as ordered plus any additional regular monthly housing charges that became due after February 16, 2026 but before the Court Enforcement Office (Sheriff) enforces the eviction. The Co-op Member may only make this motion once during the occupancy agreement with the Co-op.
4. **If the Co-op Member does not pay the amount required to void this order the Co-op Member must move out of the member unit on or before February 16, 2026**
5. If the Co-op Member does not void the order, the Co-op Member owes the Co-op \$19,406.74. This amount includes arrears of regular monthly housing charges owing up to the date of the hearing and other unpaid housing charges and the cost of filing the application. Any refundable deposits are deducted from the amount owing by the Co-op Member. See Schedule 1 for the calculation of the amount owing.
6. The Co-op Member shall also pay the Co-op compensation of \$39.62 per day for the use of the unit starting January 28, 2026 until the date the Co-op Member moves out of the unit.
7. If the Co-op Member does not pay the Co-op the full amount owing on or before February 16, 2026, the Co-op Member will start to owe interest. This will be simple interest calculated from February 17, 2026 at 4.00% annually on the balance outstanding.
8. If the unit is not vacated on or before February 16, 2026, then starting February 17, 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 17, 2026.

C2 Application

10. The Co-op's C2 application is dismissed.

**February 5, 2026**

**Date Issued**

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Kyle McGraw

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.

In accordance with section 81 of the Act, the part of this order relating to the eviction expires on August 17, 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 Member must pay to void the eviction order and continue the occupancy if the payment is made on or before February 16, 2026**

|                                                                                             |                    |
|---------------------------------------------------------------------------------------------|--------------------|
| Regular Monthly Housing Charges Owing To February 28, 2026                                  | \$22,230.00        |
| Total Other Housing Charges                                                                 | \$395.00           |
| Application Filing Fee                                                                      | \$186.00           |
| NSF Charges                                                                                 | \$0.00             |
| <b>Less</b> the amount the Co-op Member paid into the Co-op since the application was filed | - \$1,794.00       |
| <b>Less</b> the amount the Co-op Member paid into the LTB since the application was filed   | - \$0.00           |
| <b>Less</b> the amount of the credit that the Co-op Member is entitled to                   | - \$0.00           |
| <b>Total the Co-op Member must pay to continue the occupancy</b>                            | <b>\$21,017.00</b> |

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

|                                                                                             |                      |
|---------------------------------------------------------------------------------------------|----------------------|
| Regular Monthly Housing Charges Owing To Hearing Date                                       | \$20,889.74          |
| Total Other Housing Charges                                                                 | \$395.00             |
| Application Filing Fee                                                                      | \$186.00             |
| NSF Charges                                                                                 | \$0.00               |
| <b>Less</b> the amount the Co-op Member paid into the Co-op since the application was filed | - \$1,794.00         |
| <b>Less</b> the amount the Co-op Member paid into the LTB since the application was filed   | - \$0.00             |
| <b>Less</b> the amount of refundable deposits                                               | - \$270.00           |
| <b>Less</b> the amount of the credit that the Co-op Member is entitled to                   | - \$0.00             |
| <b>Total amount owing to the Co-op</b>                                                      | <b>\$19,406.74</b>   |
| Plus daily compensation owing for each day of occupation starting January 28, 2026          | \$39.62<br>(per day) |