



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

File Number: LTB-C-098870-25

In the matter of: 202, 757 NANCY RD
FORT ERIE ON L2A6J1

Between: Border Towne Co-operative Homes Inc. Co-op

And

Kim Thompson Co-op Member

Border Towne Co-operative Homes Inc. (the 'Co-op') applied for an order to end the occupancy of the member unit and evict Kim Thompson (the 'Co-op Member') because:

- The Co-op Member has been persistently late in paying the Co-op Member's regular monthly housing charges.

The Co-op also claimed compensation for each day the Co-op Member remained in the unit after the termination date.

A Case Management Hearing was held at 11:00 AM by videoconference on February 2, 2026.

Judith Callender, Representative, and Kristi Rusnov, Agent, attended for the Co-op and at 11:10 AM the Co-op staff made a number of attempts to contact the Co-op Member directly, without success.

As of 11:45 AM the Co-op Member was not present nor 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.

After the CMH ended, it came to my attention that the Co-op Member misunderstood the instructions to join the videoconference and consequently did not attend the hearing.

It is determined that:

1. On November 13, 2025, the Co-op gave the Co-op Member an N8C notice of termination that contains the allegation, and Schedule A in support of their claim,

that the Co-op Member failed to pay the regular monthly housing charges in full and on time for 10 of the 11 months starting from January 2025 to November 2025.

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. Upon my review of the details of Schedule A, I find that the Co-op Member has failed to pay the regular monthly housing charges in full and on time for 91% of the 11-month reporting period.
4. I have also reviewed the payment history details for the 3-month period after the notice was served, from December 2025 to February 2026, and find that the Co-op Member paid their regular monthly housing charges in full and on time for all 3 months, or 100% of the time subsequent to the notice; which produces a late payment rate of 66% or for 8 times within the most recent 12 month period.
5. Considering all of the uncontested evidence presented, including testimony provided at the hearing, I find the Co-op has proven on a balance of probabilities the grounds for termination of the occupancy and the claim for compensation in the application.
6. The Co-op Representative requested a conditional order of eviction and the continuation of the occupancy of the member unit by the Co-op Member, and I considered the request, on behalf of the Board.
7. 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 not be unfair to grant relief from eviction, subject to the conditions set out in this order, pursuant to subsection 94.12(1)(a) and 204(1) of the Act.
8. No further reasons will be issued regarding this application.
9. As of the hearing date, the Co-op Member was still in possession of the member unit.
10. The regular monthly housing charges are \$804.00, effective January 1, 2026, and are due on the 1st day of each month.
11. The Co-op incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.

It is ordered that:

1. The Co-Op Member's occupancy continues if the Co-op Member meets the conditions set out below.

2. Starting March 1, 2026 and for the 18-month period to August 1, 2027 the Co-op Member shall pay to the Co-op new regular monthly housing charges on time and in full, as they come due and owing, by the first day of each month.
3. If the Co-op Member fails to comply with the conditions set out in paragraph 2 of this order, the Co-op may apply under section 94.11 of the *Residential Tenancies Act, 2006* (the 'Act') for an order terminating the occupancy and evicting the Co-op Member. The Co-op must make the application within 30 days of a breach of a condition. This application is made to the LTB without notice to the Co-op Member.
4. The Co-op Member shall pay to the Co-op \$186.00 for the cost of filing the application.
5. If the Co-op Member does not pay the Co-op the full amount owing on or before February 28, 2026 the Co-op Member will start to owe interest. This will be simple interest calculated from March 1, 2026 at 4.00% annually on the balance outstanding.

February 6, 2026
Date Issued

Janice Campbell
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 free at 1-888-332-3234.