



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

File Number: LTB-C-098017-25

In the matter of: Unit 46, 10 THE COUNTRY WAY
KITCHENER ON N2E 2T8

Between: Simon Bolivar Housing Co-Operative Inc. Co-op

And

Sonia Enriquez Co-op Member

Simon Bolivar Housing Co-Operative Inc. (the 'Co-op') filed a C1 application for an order to end the occupancy of the member unit and evict Sonia Enriquez (the 'Co-op Member') based on a form N4C notice of termination because the Co-op Member did not pay the regular monthly housing charges that the Co-op Member owes.

A Case Management Hearing (CMH) was held via video teleconference on VC line 163 on February 4, 2026 at 11:00 a.m. The Co-op Legal Representative Shaun Harvey attended with Co-op Agents Carlos Garcia and Carlos Navas. The Co-op Member was not in attendance nor represented at the time set for the CMH and there was no record before me of a request to adjourn the CMH. As of 11:20 a.m., the Co-op Member was still not in attendance and was not represented. As a result, the CMH proceeded with only the Co-op's evidence and submissions.

Determinations:

1. The Notice of Hearing states that if the Co-op Member does not attend the CMH and does not file a Response to the Application, the hearing may proceed that day and the LTB may issue an order evicting the Co-op Member. As I was satisfied that the Co-op Member had proper notice of the date, time and location of the CMH, I proceeded to determine the Application based on the materials filed with the LTB and submissions of the Co-op at the CMH.
2. The Co-op Member did not file a response to the application as required by Rule 12.4 of the LTB's Rules of Procedure. In these circumstances, Rule 12.5 provides that the Co-op Member is deemed to have accepted all of the facts and allegations as set out in the Application and permits the LTB to decide the Application on the basis of the materials before it.
3. The Application was filed with the LTB on November 20, 2025.
4. As of the hearing date, the Co-op Member was still in possession of the member unit.

5. 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.
6. I have reviewed the N4C Notice of Termination and I am satisfied that it complies with the requirements of subsection 94.4 (2) of the RTA.
7. The current regular monthly housing charge due on the first of the month is \$845.00 and the total arrears owing up to and including February 28, 2026 is the amount of \$21,905.00.
8. The Co-op Member also owes the Co-op \$186.00 for the cost of filing the application.
9. The Co-op Member has not made any payments towards the regular monthly housing charges since July 1, 2024 and has been in arrears for the past 20 month period up to and including February 28, 2026.
10. The Co-op is not holding any damage deposit or refundable deposits.
11. I have considered the circumstances raised at the CMH in accordance with subsection 94.12(2) of the Residential Tenancies Act, 2006 (the 'Act'), and I find that it would not be unfair to postpone the eviction until February 28, 2026 pursuant to subsection 94.12(1)(b) of the Act.
12. All of my reasons for the findings are noted in the paragraphs above. No further reasons will be issued.

It is ordered that:

1. Unless the Co-op member voids this order for termination pursuant to paragraph 7 or 8 below, the occupancy rights of the Co-op member are terminated. The Co-op Member must move out of the member unit on or before February 28, 2026.
2. If the Co-op Member fails to void the Order, the Co-op member shall pay the Co-op **\$22,091.00**. This amount represents \$21,905.00 in regular monthly housing charges owing up to February 28, 2026 and \$186.00 for the application filing fee ($\$21,905.00 + \$186.00 = \$22,091.00$).
3. If the Co-op Member does not pay the Co-op the full amount owing pursuant to paragraph 2 on or before February 28, 2026, any balances owing will become immediately due and payable on March 1, 2026 and the Co-op Member will owe interest. This will be simple interest calculated from March 1, 2026 at 4.00% annually on the balance outstanding pursuant to the Courts of Justice Act.
4. If the Co-op Member fails to void the Order and fails to vacate the unit, the Co-op Member shall also pay the Co-op \$27.78 per day in compensation for the use of the unit starting March 1, 2026 to the date the Co-op member moves out of the unit. This amount is calculated as follows: $\$845.00 \times 12$, divided by 365 days.

5. If the unit is not vacated on or before **February 28, 2026**, then starting **March 1, 2026**, the Co-op may file this order with the Court Enforcement Office (Sheriff) so that the eviction may be enforced.
6. 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 **March 1, 2026**.
7. If on or before February 28, 2026 the Co-op Member pays the amount of **\$22,091.00** to the Co-op or to the LTB in trust, this order for eviction will be void. This amount represents \$21,905.00 in regular monthly housing charges owing to February 28, 2026 and the application filing fee of \$186.00. This means that the occupancy rights of the Co-op Member would not be terminated and the Co-op Member could remain in the unit. If this payment is not made in full and on time, the Co-op may file this order with the Court Enforcement Office (Sheriff) so that the eviction may be enforced on or after March 1, 2026.
8. The Co-op member may also make a motion at the LTB to set aside this order under section 74(11) and 94.16(2)(b) of the of the Residential Tenancies Act, 2007, (the "RTA"), 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 28, 2026, but before the Court Enforcement Office (Sheriff) enforces the eviction and gives vacant possession to the Co-op. The Co-op Member is only entitled to make this motion once during the occupancy agreement with the Co-op.

February 12, 2026
Date Issued

Chris Jackson
Hearing 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 September 1, 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.