



Order under Section 30 Residential Tenancies Act, 2006

File Number: LTB-T-006032-26

In the matter of: 24 HAHN PLACE
TORONTO ON M5A4C5

Between: Shauna Van Sickle Co-op Member

And

Caroline Co-operative Homes Inc. Co-op

Shauna Van Sickle (the 'Co-op Member') applied for an order determining that Caroline Co-operative Homes Inc. (the 'Co-op') failed to meet the Co-op's maintenance obligations under the *Residential Tenancies Act, 2006* (the 'Act') or failed to comply with health, safety, housing or maintenance standards.

Determinations:

1. This application was filed with the Board on January 21, 2026. On February 9, 2026, the Co-op wrote to the Board requesting that the application be dismissed without a hearing because the Co-op is a non-profit housing co-operative incorporated under the *Co-operative Corporations Act*, R.S.O. 1990, c. C.35, and the applicant a co-op member.
2. This application is filed pursuant to s. 29 of the *Residential Tenancies Act, 2006* (the 'Act'). That provision states that a "tenant" or a "former tenant" of a rental unit may apply to the Board under s. 29(1). The problem that arises here is that a co-op member occupying a unit in a co-op is not a "tenant" under the Act. Pursuant to s. 94.1(2):

Nothing in this Part, and nothing elsewhere in this Act, shall be construed as altering the relationship between a non-profit housing co-operative and a member and, in particular, **the relationship shall not be construed as being one of a landlord and tenant.**

[Emphasis added.]

3. The Co-op has filed with the Board the signed Occupancy Agreement between the Co-op and the applicant. The application filed by the Co-op Member describes the Co-op Member as a member and not as a tenant.

4. Given the record before the Board I am satisfied the Co-op is a non-profit housing co-operative and the Co-op Member is not a “tenant” but a “member” as defined in s. 94.1(1) of the Act.
5. As a result, I am satisfied the Board does not have the jurisdiction to hear the Co-op Member’s application. It does not disclose a cause of action that the Board has the jurisdiction to hear. Therefore, and pursuant to s. 197(1) of the Act, the application is dismissed without a hearing on the basis that it fails to disclose a reasonable cause of action.

It is ordered that:

1. The Co-op Member’s application is dismissed.

February 23, 2026
Date Issued

Ruth Carey
Vice Chair, 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.