



**Order under Section 94.11(1)
Residential Tenancies Act, 2006**

File Number: LTB-C-075736-25

In the matter of: 1519, 484 CHURCH STREET
TORONTO ONTARIO M4Y2C7

Between: City Park Cooperative Apartments Inc. Co-op

And

Kenneth Stevens Co-op Member

City Park Cooperative Apartments Inc. (the 'Co-op') applied for an order to end the occupancy of the member unit and evict Kenneth Stevens (the 'Co-op Member') because the Co-op Member failed to meet a condition specified in the with respect to application LTB-C-031348-25.

The Co-op's application was resolved by order LTB-C-075736-25, issued on September 22, 2025. This order was issued without a hearing being held.

On October 24, 2025 the Co-op Member filed a request to extend time and a motion to set aside order LTB-C-075736-25.

This motion was heard by videoconference on December 10, 2025.

The Co-op's agent, Karanvir Bajwa, and the Co-op Member attended the hearing. The Co-op was represented by Hunter Stone.

Determinations:

1. For the reasons that follow the motion to set aside the ex parte order issued on September 22, 2025 is denied and the stay is lifted on March 31, 2026.

The Breach

2. The Co-op's C4 application, filed on September 9, 2025, alleges that the Co-op Member was in breach of the order issued on August 6, 2025 when he permitted individuals that were trespassed by the Co-op into the residential complex, unaccompanied, on August 30 and September 1, 2025.
3. The Co-op Member does not dispute the breach, confirms the individuals referred to be his guests and seeks to explain what happened.

4. Based on the evidence before the Board, I am satisfied the Co-op Member was in breach of the order from August 6, 2025. This is not disputed by the Co-op Member.

The surrounding circumstances

5. The Co-op Member submits that the trespassed individuals are now good guests and do not interact with the building staff or residents. The Co-op Member also asserts that he does not recall a stipulation in the order about related to escorting his guests.
6. The Co-op Member submits he has resided in the member unit for ten years and is the sole occupant. He currently receives income from the disability program and the unit is subsidized. While he would prefer to preserve his occupancy rights and is able to abide by the conditions going forward, in the alternative, he seeks a delay in eviction of a few months to find a new home and to find financial support.
7. On cross-examination, the Co-op Member confirmed he understood the condition of escorting his guests at the hearing in August 2025; he also confirmed that he was aware of further breaches that took place on September 16 and 23, and November 4 and 25, 2025. The Co-op Member believes that the Co-op is taking things to the extreme.
8. The Co-op opposes the Co-op Member's motion and submits that the Co-op Member was already provided with an opportunity to preserve their occupancy rights when the parties agreed to the conditional order but has demonstrated their unwillingness or inability to cooperate and abide by the terms. Therefore the motion should be denied as the Co-op has no confidence in the Co-op Member's ability to comply with a conditional order going forward.
9. Consent orders should be complied with so in exploring the issue of fairness in the context of section 94(11) the Board is usually interested in knowing whether or not the breach was unavoidable, or a result of events beyond the Co-op Member's control. It is also interested in whether or not the tenancy is viable as there is no point in continuing a tenancy where future breaches are inevitable.
10. After considering all of the circumstances, I find that it would be unfair to set aside order LTB-C-075736-25. I say this for the following reasons.
11. First, the order agreed to by the parties is clear at paragraph d where it states:
For the period commencing August 6, 2025 to February 5, 2027 inclusive, the Co-op Member, the Co-op Member's guests or occupants of the unit shall ensure that guests of the member who have been issued a no trespass notice by the Co-operative will be accompanied by the Co-op Member from the vestibule to his unit and back. At no time will his trespassed guests be left alone in common areas of the property.

12. So, the assertion that the Co-op Member was unaware of this stipulation cannot be true as the order was issued on consent of the parties.
13. Second, it appears that the Co-op Member attempts to downplay his actions that are in breach of the order –obviously he wishes to preserve his occupancy rights, however, it is also uncontested that there have been further breaches since the Co-op filed this application which the Co-op Member is aware of.
14. Finally, I am not satisfied that there were circumstances beyond the Co-op Member's control that led to the breach. I find that the Co-op Member knew or ought to have known the consequences of allowing his guests to roam around freely in the residential complex. I am inclined to agree with the Co-op that this is just paving the path to another application.
15. Given all the above, I find that it would be unfair to set aside the eviction order. The evidence is insufficient to establish the Co-op Member's default was reasonable. Rather the evidence supports the conclusion that the Co-op Member is unwilling to co-operate.
16. As I am denying the motion the third and final issue I must consider is when to lift the stay of the order so the eviction can proceed.

Lifting the Stay

17. Given the Co-op Member's circumstances including the length of the tenancy and their financial status, I find a short delay to March 31, 2026 is warranted.
18. The stay of order LTB-C-075736-25 is lifted on March 31, 2026.

It is ordered that:

1. The motion to set aside Order LTB-C-075736-25, issued on September 22 2025, is denied.
2. The stay of order LTB-C-075736-25 is lifted on March 31, 2026.
3. Order LTB-C-075736-25 is unchanged.

February 19, 2026
Date Issued

Sonia Anwar-Ali
Member, Landlord and Tenant Board

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If you have any questions about this order, call 416-645-8080 or toll free at 1-888-332-3234.