



Order under Section 94.11(3) Residential Tenancies Act, 2006

Citation: Machell's Corners Housing Co-operative v Zotti, 2026 ONLTB 17350

Date: 2026-03-03

File Number: LTB-C-097463-25

In the matter of: 95 Preston Thompson Place
Aurora ON L4G6T1

Between: Machell's Corners Housing Co-
operative

Co-op

And

Rina Zotti
Amanda Cossu
Niccola Cossu
Alessandra Cossu

Co-op Members

Machell's Corners Housing Co-operative (the 'Co-op') applied for an order to end the occupancy of the members unit and evict Rina Zotti, Amanda Cossu, Niccola Cossu and Alessandra Cossu (the 'Co-op Members') because the Co-op Members failed to meet a condition specified in the order issued on July 25, 2025 with respect to application LTB-C-019739-23.

The Co-op's application was resolved by order LTB-C-097463-25 issued on November 24, 2025. This application was decided without a hearing being held.

The Co-op Members filed a motion to set aside order LTB-C-097463-25. This motion was heard by videoconference on January 20, 2026.

The Co-op's Legal Representative, Roman Komarov, the Co-op's Agent, Nahid Mousavi, the Co-op Members, Rina Zotti ("RZ") and Alessandra Cossu, and the Co-op Members' Legal Representative, Ying Ngai Yu, attended the hearing.

Determinations:

1. The order issued on July 25, 2025 provides that the Co-op can apply to the LTB under section 94.11 of the *Residential Tenancies Act, 2006* (the 'Act') without notice to the Co-op Members to terminate the occupancy and evict the Co-op Members if the Co-op Members do not meet certain condition(s) in the order.
2. The Co-op filed a L4 application on November 18, 2025 alleging that the Co-op Member, RZ, imposed a condition on the Co-op's access to the member unit on

October 22, 2025 by informing the Co-op that she must be present during any inspection by the Co-op.

3. In response to the Co-op's application, the Board issued an eviction order without holding a hearing under section 94.11 of the Act.
 4. The Co-op Members seek to set aside the eviction order on the basis that they did not breach the order issued on July 25, 2025 by imposing a condition on the Co-op's access to the member unit.
 5. There is no dispute that the Co-op Member, RZ, emailed the Co-op the following email on October 22, 2025:
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6. RZ testified that the intention of the email was to rearrange the scheduling of the inspection. RZ testified that she received a call from the Co-op on October 20, 2025 informing her that the Co-op could not enter the unit due to her dog and she asked the Co-op to reschedule. The inspection was rescheduled for October 27, 2025 and the Co-op attended the unit and changed the furnace filter.
 7. RZ explained that she wrote "no one has permission to enter my unit without me present" due to her daughter's health conditions and inability to be alone with strangers. RZ acknowledged that she did not explain to the Co-op her reasoning or elaborated on her daughter's condition in the email.
 8. The Co-op testified that they were unaware that one of the Co-op Members, RZ's daughter, required supervision and provided proper notice to enter the member unit on October 20, 2025. There was no one home on October 20, 2025 and the Co-op could not enter the unit due to an unsecured dog within the unit.
 9. On its face, the email written by RZ seems to dictate to the Co-op that she needs to be present during any inspections. However, if the email is read together as a whole and given the circumstances that led to the email, I am not convinced that the Co-op Members are imposing a condition on the Co-op. I say this for several reasons.

10. First, the Co-op does not need the Co-op Members' permission to enter the unit. The Act provides that the Co-op can enter a unit in accordance with the Act. Nothing in order LTB-C-019739-23 prevents the Co-op from entering the unit in the absence of the Co-op Members. The Act also does not require the Co-op Members to be present. The Co-op Members can be present if they wish to be.
11. Second, when I read the email in its totality, I am of the view that the RZ is asking the Co-op for notice of the rescheduled date and informing the Co-op that she will make herself available to be present, rather than imposing a condition on the Co-op.
12. There is no evidence that the Co-op was unable to access the member unit after this email. In the context of a complicated relationship with regards to access between the parties, as evident by the determinations in order LTB-C-019739-23, and the events that lead to the October 22, 2026 email, I am not satisfied that the email was intended by the Co-op Members to impose a condition on the Co-op's access to the unit. As a result, the Co-op Members' motion must be granted.
13. In the alternative and if I was wrong in making the above finding, I do not find this email alone warrants eviction of the Co-op Members having regard to all of the circumstances. Again, the Co-op was able to access the member unit after the email was sent to complete the work not previously done due to the Co-op Members' dog. Given the health issues of the Co-op Members and the long occupancy, I am satisfied that it would not be unfair to set aside order LTB-C-097463-25 and this would not unduly prejudice the Co-op.
14. While the Co-op alleges that the Co-op Members subsequently breached order LTB-C-019739-23 on January 7, 2026, this is not the subject of the L4 application before the Board. If the Co-op believes there is subsequent breaches to order LTB-C-019739-23, the Co-op is able to apply to the Board to terminate the occupancy pursuant to section 94.11 of the Act.

It is ordered that:

1. The motion to set aside order LTB-C-097463-25, issued on November 24, 2025, is granted.
2. Order LTB-C-097463-25, issued on November 24, 2025, is set aside and cannot be enforced.
3. Order LTB-C-019739-23, issued on July 25, 2025, remains in full force and effect.

March 3, 2026
Date Issued

Vicky Liu
Member, Landlord and Tenant Board

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