



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

File Number: LTB-C-104131-25

In the matter of: 75, 48 CAROGA CRT
HAMILTON ON L9C7M4

Between: APPLGARTH CO-OPERATIVE HOMES INC. Co-op

And

NANCY DYKSTRA (MARSMAN) Co-op Member

APPLGARTH CO-OPERATIVE HOMES INC. (the 'Co-op') applied for an order to end the occupancy of the member unit and evict NANCY DYKSTRA (MARSMAN) (the 'Co-op Member') because:

A Case Management Hearing was held on February 23, 2026. The Member, Nancy Dykstra attended. The Co-op's Property Manager, Stacey Sanelli, attended and was represented by Marie Galevski. As a result of the Case Management Hearing, the parties mutually agreed to resolve all matters at issue in the application and requested an order on consent. I was satisfied that the parties understood the terms and consequences of their consent.

The Parties agreed:

- a. On November 21, 2025, the Co-op gave the Co-op Member an N7C notice of termination. The N7C is issued to end the occupancy for causing serious problems in the member unit or residential complex.
- b. The Co-op Member agreed to comply with the Occupancy By-Laws for Applegarth Co-operative Homes.

It is ordered on consent that:

1. The Co-op Member's occupancy continues if the Co-op Member meets the conditions set out below:
 - The Co-op Member shall comply section 6.3 of the Occupancy By-Laws, which states, "Units must be used only as private residences for members, their households and other persons allowed by this By-Law", and; "Permitted uses do not include using a unit as a rooming house, or boarding house, or providing food or lodging for others or anything similar. Those uses are prohibited."
 - The Co-op Member shall ensure that they comply with section 8.1(a) Household definition. The By-Laws state, "In the Co-op by-laws, household means a member, any other members living in the unit, children of the member who are under sixteen and live in the unit, children of the member who have turned sixteen and continue to live in the unit, and long-term guests approved by the board of directors under this Article."
 - The Co-op Member shall ensure that they comply with section 8.1 (b) the Guest definition. The By-Laws state, "A Guest is someone staying in a member's unit at the same time as the member or someone in the household", and;
 - (c) "A Guest is someone staying in a member's unit at the same time as the member or someone in the household",
 - (d) "Occupants of a unit who are not members have no right to occupy the unit independent of the members, no right to occupy any other unit in the Co-op, no right to a place on the co-op's internal waiting list."
 - The Co-op Member shall ensure that they comply with section 8.5 of the By-laws, which state, "Members can have only a reasonable number of casual guests. A casual guest may not stay at a co-op for more than one month in any year. Persons will be considered as staying at the co-op even if they are away from the co-op for short periods. If members wish someone to stay longer, they must ask the board of directors to approve that person as a long term guest as stated in section 8.4 or ask the Board of Directors to extend the casual guests stay (sic)"
2. If the Co-op Member fails to comply with the conditions set out in paragraph 1 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.

March 2, 2026
Date Issued

Helen Giannini
Hearings Officer, 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.