



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

File Number: LTB-C-104457-25

In the matter of: 607, 22 BEATRICE ST E
OSHAWA ON L1G7X6

Between: Consideration Cooperative Homes Inc. Co-op

And

Maria Petkos Co-op Members
Alexis Mayne

Consideration Cooperative Homes Inc. (the 'Co-op') applied for an order to end the occupancy of the member unit and evict Maria Petkos and Alexis Mayne (the 'Co-op Members') because the Co-op Members did not pay the regular monthly housing charges that the Co-op Members owe.

Mediation was held on February 24, 2026. The following parties participated in the mediation: The Co-op's representative, Amy McCue, and the Co-op Members, Maria Petkos and Alexis Mayne.

The parties consented to the following order. I was satisfied that the parties understood the consequences of their consent.

Agreed Facts:

1. The Co-op served the Co-op Members with a 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.
2. As of the hearing date, the Co-op Members were still in possession of the member unit.
3. The regular monthly housing charge is \$1,327.00.
4. The Co-op's application claims that the Co-op Members owe \$6,733.00 in arrears of the regular monthly housing charges up to December 31, 2025.
5. There are no refundable deposits held by the Co-op.
6. At the Case Management Hearing on February 24, 2026, the Co-op Members stated that Maria Petkos filed for bankruptcy on December 9, 2025, and that Alexis Mayne filed for bankruptcy on January 30, 2026.

7. Documentation provided by the Landlord on February 25, 2026 confirmed that Alexis Mayne had actually filed for bankruptcy on January 21, 2026.
8. Section 69.2 of the Bankruptcy and Insolvency Act, R.S.C. 1985 (the 'BIA') provides that upon filing, all claims provable in bankruptcy are stayed. The stay of proceedings included proceedings before the Landlord and Tenant Board. Section 69.2 (1) provided that "on the bankruptcy of any debtor, no creditor has any remedy against the debtor or the debtor's property, or shall commence or continue any action, execution or other proceedings, for the recovery of a claim provable in bankruptcy." A claim for housing charges up to the date of filing of the Consumer Proposal cannot be pursued, although the Co-op Members are liable for the housing charges that accrued after that date
9. As a result of the BIA stay, the Board cannot issue an order requiring the Co-op Members to pay rent arrears that constitute a claim provable in bankruptcy or terminate the tenancy due to rent arrears that constitute a claim provable in bankruptcy. This finding is consistent with the Divisional Court's determination in *Forestwood Cooperative v. Pritz* [2002] O.J. No. 550.
10. The arrears of housing charges owing up to the date of the Bankruptcy are a claim provable in bankruptcy, and the Co-op is not permitted to continue this application with respect to recovery of those arrears or seek termination of the membership on the basis of the arrears.
11. The Co-op's representative confirmed at the Case Management Hearing that the Co-op has commenced proceedings for amounts that may be owed to the Co-op post bankruptcy.

It is ordered on consent that:

1. The Co-op's application for the amount provable in bankruptcy is stayed as a result of the Co-op Members' bankruptcy filing. The application is stayed until the Court otherwise decided or until the Co-op Members are discharged from bankruptcy

February 26, 2026
Date Issued

Ryan Gacnik
Hearings 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.