



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

File Number: LTB-C-062435-25

In the matter of: 108, 115 Victoria Street S
Sarnia ON N7T2S9

Between: Hoskins Housing Co-Operative Inc Co-op

And

Darlene Madden Co-op Member

Hoskins Housing Co-Operative Inc (the 'Co-op') applied for an order to end the occupancy of the member unit and evict Darlene Madden (the 'Co-op Member') because:

- the Co-op Member, another occupant of the member unit or someone the Co-op Member permitted in the residential complex has substantially interfered with the reasonable enjoyment or lawful right, privilege or interest of the Co-op or another member of the Co-op or occupant of the residential complex; and
- the number of persons living in the member unit on a continuing basis is more than permitted by health, safety or housing standards.

This application was heard by videoconference on March 10, 2026.

Only the Co-op's agents, L. Bolante, and D. Manser, attended the hearing.

As of 9:22 a.m., the Co-op Member was not present or represented at the hearing although properly served with notice of this hearing by the LTB. There was no record of a request to adjourn the hearing. As a result, the hearing proceeded with only the Co-op's evidence.

It is determined that:

1. This application is filed pursuant to section 94.2(1)(11) of the *Residential Tenancies Act, 2006*, the ("Act"), which provides that after terminating a member's membership and occupancy rights in a non-profit housing co-operative under section 171.8 of the *Co-operative Corporations Act*, the co-operative may give the member notice of termination of the member's occupancy of a member unit under this Act in any of the following circumstances:

...

(11) a notice of termination was given to the member for a circumstance described in paragraph 6, 8 or 10 and more than seven days but less than six months after the notice was given, an activity takes place, conduct occurs or a situation arises that constitutes the same circumstance under which the previous notice of termination was given.

2. In this case, the Co-op's agent, Lordis Bolante, testified that a first N5C Notice of Termination was issued to the Co-op Member on July 31, 2023. A second N5C Notice of Termination was issued to the Co-op Member on November 22, 2024, approximately 17 months after the first N5C notice was issued to the Co-op Member.
3. The evidence establishes that the second N5C Notice of Termination was issued 17 months after the first N5C notice was given. As a result, the Co-op was not permitted to issue a second non-voidable N5C Notice of Termination pursuant to 11 of section 94.2 of the Act. I therefore find that the second N5C Notice of Termination is invalid.
4. As the second N5C Notice of Termination is invalid, the Co-op's application must be dismissed.

It is ordered that:

1. The Co-op's application is dismissed.

March 18, 2026

Date Issued

Mayra Sawicki

Member, 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.