



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

File Number: LTB-C-022760-26

In the matter of: 319, 2 FERNDALE AVE
ST CATHARINES ON L2P3X8

Between: Agnes Macphail Co-operative Homes Co-op
Inc.

And

Desiree Moore Co-op Member

Agnes Macphail Co-operative Homes Inc. (the 'Co-op') applied for an order to end the occupancy of the member unit and evict Desiree Moore (the 'Co-op Member') and for an order to have the Co-op Member pay the regular monthly housing charges they owe because the Co-op Member failed to meet a condition specified in the order issued by the LTB on February 6, 2026 with respect to application LTB-C-093640-25.

This application was decided without a hearing being held.

Determinations:

1. The order 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 Member to terminate the occupancy and evict the Co-op Member if the Co-op Member does not meet certain condition(s) in the order. This application was filed within 30 days of the breach.

The breach

2. I find that the Co-op Member did not meet the following conditions specified in the order: the Co-op Member failed to pay \$300.00 toward arrears on or before March 10, 2026, and failed to pay the regular monthly housing charges for March 2026 in full on or before March 1, 2026.

Arrears owing

3. The previous application includes a request for an order for the payment of arrears of regular monthly housing charges and other housing charges owing and the order requires the Co-op Member to make payments by specific due dates. Accordingly, in addition to eviction, the Co-op is entitled to request an order for the payment of arrears and other housing charges owing.

4. The Co-op Member was ordered to pay \$7,943.00 for arrears of regular monthly housing charges and other housing charges owing and any NSF charges the Co-op incurred and the application filing fee in the previous order. The amount that is still owing from that order is \$7,943.00 and that amount is included in this order. This order replaces order LTB-C-093640-25.
5. Since the date of the previous order, the Co-op Member has failed to pay the full regular monthly housing charges and other housing charges that became owing for the period from March 1, 2026, to March 31, 2026.

Refundable amounts held by the Co-op

6. The Co-op Member is owed \$997.00 for refundable deposits. The total refundable deposit is set off against the amount the Co-op Member owes.

Daily compensation

7. The Co-op is entitled to daily compensation from the day after this order is issued to the date the Co-op Member moves out of the unit at a daily rate of \$32.94. The amount is calculated as follows: \$1,002.00 x 12, divided by 365 days.

Section 94.12 considerations

8. I have considered all of the disclosed circumstances in accordance with subsection 94.12(2) of the *Residential Tenancies Act, 2006* (the 'Act'), and find that it would be unfair to grant relief from eviction pursuant to subsection 94.12(1) of the Act.

It is ordered that:

1. Order LTB-C-093640-25 is cancelled.
2. The Co-op Member's occupancy is terminated. The Co-op Member must move out of the member unit on or before March 27, 2026.
3. If the unit is not vacated on or before March 27, 2026, then starting March 28, 2026, the Co-op may file this order with the Court Enforcement Office (Sheriff) so that the eviction may be enforced.
4. Upon receipt of this order, the Court Enforcement Office (Sheriff) is directed to give vacant possession of the unit to the Co-op on or after March 28, 2026.
5. The Co-op Member shall pay to the Co-op **\$7,083.04**. This amount includes arrears of regular monthly housing charges owing up to March 16, 2026, and other unpaid housing charges and the cost of filing the previous application

minus any refundable deposits the Co-op is holding. See Schedule 1 for the calculation of the amount owing.

6. The Co-op Member shall pay to the Co-op \$32.94 per day for compensation for the use of the unit starting March 17, 2026, to the date the Co-op Member moves out of the unit.
7. If the Co-op Member does not pay the Co-op the full amount owing on or before March 27, 2026, the Co-op Member will start to owe interest. This will be simple interest calculated from March 28, 2026, at 4.00% annually on the balance outstanding.

March 16, 2026

Date Issued

Egya Sangmuah

Vice Chair, 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.

The Co-op Member has until March 26, 2026, to file a motion with the LTB to set aside the order under s. 94.11(3) of the Act. If the Co-op Member files the motion by March 26, 2026, the order will be stayed, and the LTB will schedule a hearing.

In accordance with section 81 of the Act, the part of this order relating to the eviction expires on September 28, 2026, if the order has not been filed on or before this date with the Court Enforcement Office (Sheriff) that has territorial jurisdiction where the member unit is located.

* Refer to the attached Summary of Calculations.

SUMMARY OF CALCULATIONS**Amount the Co-op Member must pay the Co-op:**

Reason for amount owing	Period	Amount
Amount owing from previous order. (Including the application filing fee, other housing charges)	Up to February 28, 2026	\$7,943.00
New Regular Monthly Housing Charges	March 1, 2026, to March 16, 2026	\$137.04
New Other Housing Charges		\$0.00
New NSF cheque charges and related administration charges		\$0.00
Less the other refundable deposits:		-\$997.00
Plus daily compensation owing for each day of occupation starting March 17, 2026		\$32.94 (per day)

Total the Co-op Member must pay the Co-op:**\$7,083.04 + \$32.94 per day starting March 17, 2026**