



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

File Number: LTB-C-003348-26

In the matter of: 22, 2 BONAVENTURE DR
LONDON ON N5V 3Z4

Between: Spirit of 1919 Housing Co-operative Inc. Co-op

And

Samantha Waite Co-op Member

Spirit of 1919 Housing Co-operative Inc. (the 'Co-op') applied for an order to end the occupancy of the member unit and evict Samantha Waite (the 'Co-op Member') because:

- the Co-op Member did not pay the regular monthly housing charges that the Co-op Member owes (C1 Application); and
- the Co-op Member has been persistently late in paying the Co-op Member's regular monthly housing charges; (C2 Application).

The Co-op also claimed other housing charges on the application.

A Case Management Hearing was held on March 9, 2026. This application was heard by videoconference. Legal Representative, paralegal, Loryn Lux and Co-op Agent, Tanya Taylor, attended for the Co-op. As of **9:22am**, 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.

Determinations:

C1 Application – Non-Payment of Regular Monthly Housing Charges

1. The Co-op served the Co-op Member with a valid 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. The Co-op Member did not file a response to the application. Therefore, they are deemed to have accepted all the facts and allegations in the application pursuant to Rule 12.5 of the LTB's Rules of Procedure.

3. As of the hearing date, March 9, 2026, the Co-op Member was still in possession of the member unit.
4. The regular monthly housing charge is \$766.00. It is due on the first day of each month.
5. The daily compensation is calculated as follows: \$766.00 x 12 months, divided by 365 days.
6. The Co-op Member has not made any payments since the application was filed.
7. The regular monthly housing charges owing to March 31, 2026, are \$6,881.95.
8. The Co-op Member also owes the Co-op \$428.99 for other housing charges (the water bill).
9. The Co-op incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.
10. The Co-op Member is owed \$450.00 for refundable, last month housing charge and \$198.00 for the pet deposit. The total refundable deposit of \$648.00 is set off against the amount the Co-op Member owes.
11. The Act gives a Co-op member the right to void a C1 order by paying the amount owing. However, given my determination in the non-voidable C2 order below, the Co-op Member does not have the right to void in this case, and the occupancy is terminated.

C2 Application – Persistent Late Payment of Regular Monthly Housing Charges

12. The Co-op Member has persistently failed to pay the regular monthly housing charges on the date they were due. The regular monthly housing charges are due on the first day of each month. The regular monthly housing charges have been paid late from 14 months from October 1, 2024, to December 1, 2025.

Section 94.12

13. 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.
14. The Co-op member continued to pay their monthly housing charges after the N8C was served, and missed a number of payments between January 1, 2026, and March 1, 2026.

It is ordered that:

1. Pursuant to the C2 Application, the Co-op Member's occupancy is terminated. The Co-op Member must move out of the member unit on or before March 31, 2026. The Co-op Member cannot void this order by paying outstanding arrears.

2. The Co-op Member owes the Co-op \$5,880.57. This amount includes arrears of regular monthly housing charges (\$5,913.58) owing up to the date of the hearing and other unpaid housing charges (\$428.99), and the cost of filing the application (\$186.00). The last month housing charge deposit and other refundable fees are deducted from the amount owing by the Co-op Member. See Schedule 1 for the calculation of the amount owing.
3. The Tenant shall also pay the Landlord compensation of \$25.18 per day for the use of the unit starting March 10, 2026, until the date the Tenant moves out of the unit.
4. If the Co-op Member does not pay the Co-op the full amount owing on or before March 31, 2026, the Co-op Member will start to owe interest. This will be simple interest calculated from April 1, 2026, at 4% annually on the balance outstanding.
5. The Co-op Member shall pay to the Co-op any sum of money that is owed as a result of this order.
6. If the unit is not vacated on or before March 31, 2026, then starting April 1, 2026, the Co-op may file this order with the Court Enforcement Office (Sheriff) so that the eviction may be enforced.
7. 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 April 1, 2026.

March 19, 2026

Date Issued

Pauline Brewster

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.

In accordance with section 81 of the Act, the part of this order relating to the eviction expires on October 1, 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 rental unit is located.

Schedule 1
SUMMARY OF CALCULATIONS

A. Amount the Co-op Member must pay to void the eviction order and continue the occupancy if the payment is made on or before March 31, 2026

Regular Monthly Housing Charges Owing To March 31, 2026	\$6,452.96
Total Other Housing Charges	\$428.99
Application Filing Fee	\$186.00
Less the amount the Co-op Member paid into the Co-op since the application was filed	- \$0.00
Less the amount of the credit that the Co-op Member is entitled to	- \$648.00
Total the Co-op Member must pay to continue the occupancy	\$6,419.95

B. Amount the Co-op Member must pay if the occupancy is terminated

Regular Monthly Housing Charges Owing To Hearing Date (March 9, 2026)	\$5,913.58
Total Other Housing Charges	\$428.99
Application Filing Fee	\$186.00
Less the amount the Co-op Member paid into the Co-op since the application was filed	- \$0.00
Less the amount of refundable deposits	- \$450.00
Total amount owing to the Co-op	\$5,880.57
Plus daily compensation owing for each day of occupation starting March 10, 2026.	\$25.18 (per day)