



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

Citation: Gateway Co-operative Homes Inc. v Harwood, 2026 ONLTB 25572

Date: 2026-04-01

File Number: LTB-C-004666-26

In the matter of: 806, 90 EDGEHILL DR
BARRIE ON L4N7N1

Between: Gateway Co-operative Homes Inc. Co-op

And

Devon Harwood Co-op Member

Gateway Co-operative Homes Inc. (the 'Co-op') applied for an order to end the occupancy of the member unit and evict Devon Harwood (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 with respect to application LTB-C-025041-25.

The Co-op's application was resolved by order LTB-C-004666-26, issued on January 28, 2026. This order was issued without a hearing being held.

The Co-op Member filed a motion to set aside order LTB-C-004666-26.

This motion was heard by videoconference on March 3, 2026.

Determinations:

There was a breach of the previous order

1. The Co-op Member failed to meet a condition specified in the with respect to application. Specifically, the Co-op Member failed to pay \$120.00 for rent arrears due on December 28, 2025, and failed to pay the regular monthly housing charges due on January 1, 2026.

The surrounding circumstances

2. The Co-op Member acknowledged that they did not pay \$120.00 on December 28, 2025, or the regular monthly housing charges due on January 1, 2026.

3. The Co-op Member testified that they tried to pay the outstanding amounts in February however, when the Co-op Member was asked whether they could pay the quantum of arrears payments that accrued since defaulting on the order, they replied they did not have the funds to pay the defaulted amounts.
4. The Co-op Member had paid the regular monthly housing charges for February however, there was no evidence that the arrears payment was made in February 2026. The regular monthly housing charges were not paid for the month of March as of the date of the hearing.
5. The Co-op Member gave evidence that they were able to afford the payment plan and requested that their motion be granted with a new payment plan ordered.
6. The Co-op Member testified about their income and expenses to support their request for a payment plan. The Co-op Member's expenses exceed their income, and I do not find that the Co-op Member has the ability to pay the regular monthly housing charges or the additional payments towards arrears.
7. The Co-op Member's evidence is that they entered into the payment plan because they were concerned about their housing security. The Co-op Member testified that they were "hoping" they could make the agreed payments.
8. The Co-op Member breached the original order twice and has subsequently breached again in the month of March 2026. The Co-op's representative made submissions that these were not the only breaches of the order and there was a total of 15 breaches since the order was issued in July 2025.
9. The Co-op's representative made further submissions that the outstanding arrears has grown from \$3,358.00 to \$5,560.00.
10. The Co-op Member did not adhere to the conditions in the previous order and does not have the ability to make the payments going forward. After considering all of the circumstances, I find that it would be unfair to set aside order LTB-C-004666-26.

The stay is lifted on April 15, 2026

11. The stay of order LTB-C-004666-26 is lifted on April 15, 2026.
12. The Co-op Member made no submissions on when the stay should be lifted if the motion was denied testifying that they would be unable to find a new residence due to the current housing market.
13. The Co-op Member testified that they have lived at the Co-op for 8 years and have two children, a dog and two cats that live in the unit.
14. The Co-op's representative made submissions that the continued non-payment causes prejudice to the Co-op and the stay should be lifted immediately.

15. The Co-op Member has continued to breach the conditions of the previous order and is unable to make payments to catch up on missed payments.
16. A brief delay of approximately two weeks is appropriate based on the circumstances however, to delay longer would be unduly prejudicial to the Co-op.

It is ordered that:

1. The motion to set aside Order LTB-C-004666-26, issued on January 28, 2026, is denied.
2. The stay of order LTB-C-004666-26 is lifted on April 15, 2026.
3. Order LTB-C-004666-26 is unchanged.

April 1, 2026
Date Issued

15 Grosvenor Street, Ground Floor
Toronto ON M7A 2G6

Kyle McGraw
Member, Landlord and Tenant Board

If you have any questions about this order, call 416-645-8080 or toll free at 1-888-332-3234.