



Order under Section 94.7 Residential Tenancies Act, 2006

Citation: Consideration Cooperative Homes Inc. v Leonard, 2026 ONLTB 27944

Date: 2026-04-10

File Number: LTB-C-016699-25-RV

In the matter of: 810, 22 Beatrice St E
Oshawa ON L1G7X6

Between: Consideration Cooperative Homes Inc. Co-op

and

Kimberly Leonard Co-op Member

Review Order

Consideration Cooperative Homes Inc. (the 'Co-op') applied for an order to end the occupancy of the member unit and evict Kimberly Leonard (the 'Co-op Member') because the Co-op Member did not pay the regular monthly housing charges that the Co-op Member owes.

This application was resolved by order LTB-C-016699-25, issued on June 13, 2025.

On August 6, 2025, the Co-op Member requested a review of the order and that the order be stayed until the request to review the order is resolved.

The request for review was granted by order LTB-C-016699-25-RV-IN2 and the new hearing of the C1 application was scheduled to another available date.

The new hearing was held by videoconference on March 31, 2026.

Heather Butt, the Co-op's Legal Representative, Athina Misketis, the Co-op's Property Manager, Anthony Smith, the Co-op Member's Legal Representative, and the Co-op Member attended the hearing.

Determinations:

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. As of the hearing date, the Co-op Member was still in possession of the member unit.
3. The regular monthly housing charge is \$1,337.00. It is due on the 1st day of each month.

4. The daily compensation is calculated as follows: \$1,306.00 x 12, divided by 365 days.
5. The Co-op Member did not dispute that she paid \$2,483.00 to the Co-op since the application was filed. These payments were sent directly to the Co-op from ODSP. The Co-op Member confirmed that she did not make any payments in addition to what was sent directly from ODSP.
6. The regular monthly housing charges owing to March 31, 2026 are \$19,308.00.
7. The Co-op Member did not agree with the amount of arrears claimed by the Co-op. This is a Rent Geared to Income ("RGI") Unit but the Co-op Member believes that the regular monthly housing charges should be lower as there has been no change in the Co-op Member's income.
8. As I explained during the hearing, the Board does not have jurisdiction to determine what a tenant should pay in an RGI unit. It seems what the Co-op Member is asking for is a reconsideration of the Co-op's decision to revoke the Co-op Member's subsidy, which is not within the Board's jurisdiction to decide.
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 \$294.00 for a refundable deposit. The total refundable deposit is set off against the amount the Co-op Member owes.

Relief from Eviction

11. The Co-op Member's Legal Representative took the position that the application should be refused because the Co-op Member's membership and occupancy rights were allegedly not properly terminated under section 171.8 of the *Co-operative Corporations Act* ('CCA') because the Co-op Member was not given notice of the meeting.
12. Pursuant to section 94.9 of the *Residential Tenancies Act, 2006* (the 'Act'), the Board is prohibited from inquiring into or making any determination as to whether the Member's membership and occupancy rights were properly terminated under section 171.8 of the CCA. Therefore, I do not have jurisdiction to consider or rule on the Co-op's procedures to terminate the Member's membership and occupancy rights.
13. The Co-op is seeking a standard termination order. The Co-op's Legal Representative submitted that the arrears are substantial and continue to accrue as the Co-op Member cannot afford the regular monthly housing charges.
14. The Co-op Member is seeking to preserve the tenancy. The Co-op Member testified that she cannot pay back the arrears and although she has not spoken to her caseworker at ODSP, she does not believe that ODSP will assist her in paying the arrears. She testified that she receives \$1,067.00 each month from ODSP and the regular monthly housing charges sent to the Co-op are deducted from this amount.
15. I find that it would not be fair in the circumstances to deny eviction and instead impose a payment plan as the Co-op Member's income is insufficient to cover the ongoing regular monthly housing charges, let alone make any reasonable payment towards the arrears.

Additionally, it was the Co-op Member's own evidence that she cannot pay the arrears. For these reasons, I am not satisfied that the occupancy is viable.

16. 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 not be unfair to postpone the eviction until May 31, 2026 pursuant to subsection 94(1)(b) of the Act.
17. The Co-op Member requested that eviction be postponed six months as she does not have anywhere to go and does not have any family or friends that she can stay with. The arrears are substantial, have continued to accrue, and, with the Member's income being insufficient to cover the regular monthly housing charges, are likely to continue to accrue until the Member vacates. The Co-op Member has lived in the unit for 14 years. The eviction is being postponed to provide the Co-op Member with time to find new living arrangements. Considering all of the above, it would be fair to postpone eviction to May 31, 2026 but it would be unfair to postpone the eviction further.

It is ordered that:

1. The Co-op Member's occupancy is terminated unless the Co-op Member voids this order.
2. **The Co-op Member may void this order and continue the occupancy by paying to Co-op or to the LTB in trust:**
 - \$20,831.00 if the payment is made on or before April 30, 2026. See Schedule 1 for the calculation of the amount owing.

OR

 - \$22,168.00 if the payment is made on or before May 31, 2026. See Schedule 1 for the calculation of the amount owing.
3. The Co-op Member may also make a motion at the LTB to void this order under section 74(11) and 94.16(2)(b) of the Act, if the Co-op Member has paid the full amount owing as ordered plus any additional regular monthly housing charges that became due after May 31, 2026 but before the Court Enforcement Office (Sheriff) enforces the eviction. The Co-op Member may only make this motion once during the occupancy agreement with the Co-op.
4. **If the Co-op Member does not pay the amount required to void this order the Co-op Member must move out of the member unit on or before May 31, 2026**
5. If the Co-op Member does not void the order, the Co-op Member owes the Co-op \$19,200.00. This amount includes arrears of regular monthly housing charges owing up to the date of the hearing and the cost of filing the application. Any refundable deposits are deducted from the amount owing by the Co-op Member. See Schedule 1 for the calculation of the amount owing.
6. The Co-op Member shall also pay the Co-op compensation of \$43.96 per day for the use of the unit starting April 1, 2026 until 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 April 21, 2026, the Co-op Member will start to owe interest. This will be simple interest calculated from April 22, 2026 at 4.00% annually on the balance outstanding.
8. If the unit is not vacated on or before May 31, 2026, then starting June 1, 2026, the Co-op may file this order with the Court Enforcement Office (Sheriff) so that the eviction may be enforced.
9. 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 June 1, 2026.

April 10, 2026

Date Issued

Candace Aboussafy

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.

In accordance with section 81 of the Act, the part of this order relating to the eviction expires on December 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 April 30, 2026

Regular Monthly Housing Charges Owing to April 30, 2026	\$23,128.00
Total Other Housing Charges	\$0.00
Application Filing Fee	\$186.00
NSF Charges	\$0.00
Less the amount the Co-op Member paid into the Co-op since the application was filed	- \$2,483.00
Less the amount the Co-op Member paid into the LTB since the application was filed	- \$0.00
Less the amount of the credit that the Co-op Member is entitled to	- \$0.00
Total the Co-op Member must pay to continue the occupancy	\$20,831.00

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

Regular Monthly Housing Charge Owing to May 31, 2026	\$24,465.00
Total Other Housing Charges	\$0.00
Application Filing Fee	\$186.00
NSF Charges	\$0.00
Less the amount the Co-op Member paid to the Co-op since the application was filed	- \$2,483.00
Less the amount the Co-op Member paid into the LTB since the application was filed	- \$0.00
Less the amount of the credit that the Co-op Member is entitled to	- \$0.00
Total the Co-op Member must pay to continue the occupancy	\$22,168.00

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

Regular Monthly Housing Charges Owing to Hearing Date	\$21,791.00
Total Other Housing Charges	\$0.00
Application Filing Fee	\$186.00
NSF Charges	\$0.00
Less the amount the Co-op Member paid into the Co-op since the application was filed	- \$2,483.00
Less the amount the Co-op Member paid into the LTB since the application was filed	- \$0.00
Less the amount of refundable deposits	- \$294.00
Less the amount of the credit that the Co-op Member is entitled to	- \$0.00
Total amount owing to the Co-op	\$19,200.00
Plus daily compensation owing for each day of occupation starting April 1, 2026	\$43.96 (per day)