



Order under Section 94.7 Residential Tenancies Act, 2006

File Number: LTB-C-075747-25

In the matter of: 12, 4 Turquoise Crt
Chatham ON N7M 6B6

Between: Nova Housing Co-Operative Inc. Co-op

And

Randy Cobey Co-op Member

Nova Housing Co-Operative Inc. (the 'Co-op') applied for an order to end the occupancy of the member unit and evict Randy Cobey (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.

The Co-op also claimed compensation for each day the Co-op Member remained in the unit after the termination date.

A Case Management Hearing was held on January 5, 2026. The parties were unable to resolve the application. Therefore, the matter proceeded to a merits hearing.

This application was heard by videoconference on April 14, 2026.

The Co-op's Legal Representative Richard Lammers, the Co-op's Agent Rhonda Dickson, the Co-op Member Randy Cobey, and the Co-op Member's Agent Marcus Hutchings attended the hearing.

Preliminary Issues:

1. On August 21, 2025, the Co-op served the Co-op Member a voidable N5C notice of termination (the 'first N5C') alleging that he interfered with the Co-op's entry to the member unit on August 14, 2025.
2. On August 28, 2025, the seventh day after the first N5C was served, the Co-op scheduled an inspection of the member unit, and the Co-op Member allowed entry.

The Co-op's Agent observed persons who were not permitted at the Co-op within the unit.

3. On September 4, 2025, the Co-op served the Co-op Member a non-voidable N5C notice of termination (the 'second N5C') alleging that the Co-op Member substantially interfered with the Co-op by allowing persons who were not permitted at the Co-op to enter his unit.
4. Section 94.2(1) of the *Residential Tenancies Act* (2006) (the 'Act') provides requirements for notices of termination served by co-ops, and states, in part:

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:

8. The conduct of the member, another occupant of the member unit or a person permitted in the residential complex by the member is such that it substantially interferes with the reasonable enjoyment of the residential complex for all usual purposes by the co-operative or another member of the co-operative or occupant of the residential complex or substantially interferes with another lawful right, privilege or interest of the co-operative or another such member or occupant.

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. [Emphasis added]

5. The first N5C was served in accordance with paragraph 8 of subsection 94.2(1) of the Act. However, the offending behaviour was voided by the Co-op Member on August 28, 2025, when he allowed the Co-op entry to the member unit.
6. The second N5C alleges an event that occurred on the seventh day after the first N5C was served, which does not comply with paragraph 11 of subsection 94.2(1) of the Act. Conduct that is valid for a second notice of termination must occur more than seven days after the first notice is served.
7. As the first N5C was voided and the second N5C is defective, the application cannot proceed and is dismissed.

It is ordered that:

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

April 16, 2026
Date Issued

Kate Sinipostolova
Member, Landlord and Tenant Board

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