



**Order under Section 94.11
Residential Tenancies Act, 2006**

File Number: LTB-C-018266-26-SA

In the matter of: 29 Wilcox Creek Pathway
Scarborough ON M1B5K8

Between: Wilcox Creek Co-operative Homes Inc. Co-op

And

Randolph Rock Co-op Member
Sandra Escobar

Wilcox Creek Co-operative Homes Inc. (the 'Co-op') applied for an order to terminate the tenancy and evict Randolph Rock and Sandra Escobar (the 'Co-op Member') because the Co-op Member did not meet a condition specified in the order with respect to application LTB-C-011395-25.

The Co-op's application was resolved by order LTB-C-018266-26, issued on March 3, 2026. This order was issued without a hearing being held.

The Co-op Member filed a motion to set aside order LTB-C-018266-26.

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

The Co-op's Representative Francisco Gomez, the Co-op Member Randolph Rock, the Co-op Member's daughter Shania Rock, and the Co-op Member's Representative Kevin Laforest attended the hearing.

Determinations:

1. It was undisputed that the Co-op Member failed to meet a condition specified in the order with respect to application LTB-C-011395-25. The Co-op Member failed to pay his regular monthly housing charges ('RMHC') on or before February 1, 2026.
2. The Co-op Member testified that he got into a car accident on December 18, 2025, and has been unable to work since. The Co-op Member applied for unemployment benefits which were not processed in a timely manner, preventing him from paying the February RMHC on time. The Co-op Member communicated with the Co-op about his circumstances, requesting to adjust the due dates of the repayment plan ordered in LTB-C-011395-25.

3. The Co-op Member testified that his two adult children had recently moved back in with him and were willing to make substantial contributions to the arrears. The Co-op Member expressed his intent to repay the arrears, offering to increase the payments to \$1,000.00 per month. The Co-op Member has several long-term illnesses and is still recovering from the accident. The Co-op Member explained that he has not yet made payments in April in order to have funds to vacate the unit in the event that the motion is denied.
4. The Co-op's Representative expressed a lack of confidence in the Co-op Member's ability to repay the arrears, which have not decreased since the last hearing. The Co-op's Representative noted that, even after the Co-op Member started receiving his unemployment benefits, he has still failed to pay the RMHC in full in March and April 2026.
5. Both parties relied on the same RMHC ledger, which shows that the Co-op Member made the payments required per order LTB-C-011395-25 until his accident in December. As such, I am satisfied that the Co-op Member's breach of the previous order was caused by circumstances outside his control. After that point, the Co-op Member did not make full or timely payments but did pay a significant amount in good faith. The total amount of RMHC owing to April 30, 2026, and the Sheriff's fee, is \$5,674.34.
6. Having reviewed the Co-op Member's income and expenses, I am satisfied that, with the assistance from his adult children, he has the financial capacity to repay the arrears in accordance with the payment plan he proposed. Given that this repayment plan would resolve the arrears faster, I find no prejudice to the Co-op in granting it. Also considering the Co-op Member's ongoing efforts to meet his financial obligations and his long-term illnesses, I find that it would not be unfair to preserve the occupancy and set aside order LTB-C-018266-26.

It is ordered that:

1. The motion to set aside Order LTB-C-018266-26, issued on March 3, 2026, is granted.
2. Order LTB-C-018266-26, issued on March 3, 2026, is set aside and cannot be enforced.
3. Order LTB-C-011395-25 is amended as follows.
4. The Co-op Member shall pay to the Co-op \$5,674.34 for arrears of regular monthly housing charges up to April 30, 2026, and the Sheriff fee.
5. The Co-op Member shall pay to the Co-op the amount set out in paragraph 4 in accordance with the following schedule:

Date	Amount
May 20, 2026	\$1,000.00
June 20, 2026	\$1,000.00
July 20, 2026	\$1,000.00

August 20, 2026	\$1,000.00
September 20, 2026	\$1,000.00
October 20, 2026	\$674.34

6. The Co-op Member shall also pay to the Co-op new regular monthly housing charges in full and on time as they come due and owing on or before the first day of each month for the period May 1, 2026, to October 31, 2026, or until the arrears are paid in full, whichever date is earliest.
7. If the Co-op Member fails to make any one of the payments in accordance with this order, the Co-op may, without notice to the Co-op Member, apply to the LTB within 30 days of the Co-op Member's breach pursuant to section 94.11 of the *Residential Tenancies Act* (2006) (the 'Act') for an order terminating the occupancy and evicting the Co-op Member and requiring that the Co-op Member pay any new arrears, NSF fees and related charges that became owing after April 30, 2026.

April 22, 2026

Date Issued

15 Grosvenor Street, Ground Floor
Toronto ON M7A 2G6

Kate Sinipostolova

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.