



Order under Section 79 Residential Tenancies Act, 2006

File Number: LTB-C-016445-26

In the matter of: Unit 54, 10 THE COUNTRY WAY
KITCHENER ON N2E2T8

Between: Simon Bolivar Housing Co-Operative Inc Co-op

And

Maria Emma Espinal Co-op Member

Simon Bolivar Housing Co-Operative Inc (the 'Co-op') applied for an order to end the occupancy of the member unit and evict Maria Emma Espinal (the 'Co-op Member') because:

- the Co-op believes that the Co-op Member abandoned the member unit.

This application was scheduled for a Case Management Hearing (CMH) by videoconference on March 31, 2026, at 9:00am.

Shaun D. Harvey, the Co-op's legal representative, attended for the Co-op. The occupants, Adriana Espinal and Sergio Espinal, also attended the hearing.

It is determined that:

1. The Co-op Member passed away on December 2, 2025. This application was filed by the Co-op after the Co-op Member's passing, alleging that the Co-op Member abandoned the unit.
2. Although I heard from the occupants and the Co-op Member at the hearing, upon review, I find I have no jurisdiction to terminate this occupancy. Termination of membership and occupancy rights upon the death of a Co-op Member are regulated by the *Co-operative Corporations Act*, R.S.O., 1999, c. C.35 and not the *Residential Tenancies Act*, 2006, S.O., 2006, c.17.
3. As such, this application must be dismissed.

It is ordered that:

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

April 22, 2026
Date Issued

Sumathi Dhanapal
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.