



## **Order under Section 78(11) Residential Tenancies Act, 2006**

**Citation:** International Ladies Garment Workers v Hutchinson, 2026 ONLTB 33986

**Date:** 2026-05-01

**File Number:** LTB-C-007060-26

**In the matter of:** 1505, 4050 DIXIE RD  
MISSISSAUGA ON L4W5H4

**Between:** International Ladies Garment Workers Co-op

**And**

Janeil Hutchinson Co-op Member

International Ladies Garment Workers (the 'Co-op') applied for an order to end the occupancy of the member unit and evict Janeil Hutchinson (the 'Co-op Member') because the Co-op Member failed to meet a condition specified in the with respect to application LTB-C-028012-25.

The Co-op's application was resolved by order LTB-C-007060-26, issued on February 17, 2025. This order was issued without a hearing being held.

The Co-op Member filed a motion to set aside order LTB-C-007060-26.

This motion was heard by videoconference on March 17, 2026.

The Co-op's legal representative Marilyn Monteiro and the Co-op Member attended the hearing.

### **Determinations:**

#### There was a breach of the previous order

1. The Co-op Member failed to meet a condition specified in the order with respect to application LTB-C-028012-25, specifically, the Co-op Member failed to pay the regular monthly housing charges in full and on time for the month of January 2026.
2. The Co-op Member did not dispute the breach.

#### The surrounding circumstances

3. The Co-op Member testified that she paid the majority of the regular monthly housing charges due on January 1, 2026, but failed to pay approximately \$367.00 of the \$1,179.00 that was owed.

4. The Co-op Member's evidence is that the balance of January's housing charges were paid before February 1, 2026, and that since January 2026, the regular monthly housing charges were paid on time. The Co-op Member provided subsequent testimony that a partial payment was made for the month of March 2026 but had since been paid in full.
5. The Co-op Member committed to paying the regular monthly housing charges due in April on time.
6. The Co-op Member gave evidence that the reason for the breach in January 2026 was because she had re-enrolled in an educational program in late 2025, and "bit off more than [she] can chew". After enrolling in the program, the Co-op Member came to the realization that she could no longer afford the tuition/fees.
7. The Co-op Member testified that she lives in the member unit with her son and has aspirations to obtain a diploma and eventually move out of the Co-op. The Co-op Member also has "kinship" or physical custody of her younger sister for whom the Co-op Member receives the "child tax benefit".
8. The Co-op's representative submits that the Co-op Member breached the order and there are many families waiting for housing.
9. The Co-op Member encountered financial issues after consistent performance of her obligations for 5 months and there are no outstanding arrears alleged to be outstanding.
10. The Divisional Court has stated in the case of *Sutherland v. Lamontagne*, [2008] O.J. No. 5763 (Div. Ct.) that eviction is a remedy of last resort and, after considering all of the circumstances, I find that it would not be unfair to set aside order LTB-C-007060-26.
11. The original order required the Co-op Member to pay their rent in full and on time up to and including July 1, 2026. Based on the circumstances, I find it is appropriate to amend the original order to require the Co-op Member to pay their rent in full and on time for a further period commencing June 1, 2026, up to and including July 1, 2027.

**It is ordered that:**

1. The motion to set aside Order LTB-C-007060-26, issued on February 17, 2026, is granted.
2. Order LTB-C-007060-26, issued on February 17, 2026, is set aside and cannot be enforced.
3. The original order issued on July 14, 2025, with respect to LTB-C-028012-25 is amended as follows:
  1. The Co-op Member shall pay the lawful regular monthly housing charges to the Co-op on or before the 1st day of each month commencing June 1, 2026, up to and including July 1, 2027.

2. If the Co-op Member fails to comply with the conditions set out in paragraph 1 of this order, the Co-op may apply under section 94.11 of the Residential Tenancies Act, 2006 (the 'Act') for an order terminating the occupancy and evicting the Co-op Member. The Co-op must make the application within 30 days of a breach of a condition. This application is made to the LTB without notice to the Co-op Member.

**May 1, 2026**  
**Date Issued**

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Kyle McGraw  
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.