



Order under Section 21.2 of the Statutory Powers Procedure Act and the Residential Tenancies Act, 2006

Citation: Briarview Co-operative Homes Inc. v Lima, 2026 ONLTB 38247

Date: 2026-05-11

File Number: LTB-C-087556-25-RV

In the matter of: 59, 370 RATHBURN RD E
MISSISSAUGA ON L4Z1H7

Between: Briarview Co-operative Homes Inc. Co-op

And

Carolyn Lima Co-op
Member

Briarview Co-operative Homes Inc. (the 'Co-op') applied for an order to end the occupancy of the member unit and evict Carolyn Lima (the 'Co-op Member') because the Co-op Member did not pay the regular monthly housing charges that the Co-op Member owes. (C1 Application)

The Co-op also applied for an order to end the occupancy of the member unit and evict the Co-op Member because the Co-op Member has been persistently late in paying the Co-op Member's regular monthly housing charges. (C2 Application)

This application was resolved by order LTB-C-087556-25 issued on April 8, 2026.

On May 7, 2026, the Co-op Member requested a review of the order.

A preliminary review of the review request was completed without a hearing.

Determinations:

1. The Co-op Member submits that the order contains a serious error or that there was a serious error in the proceedings that constitutes a breach of natural justice. Specifically the Co-op Member submits that the monthly housing charges owing pursuant to the order are incorrect due to the Co-op imputing income the Co-op Member states they did not receive, the Co-op has been given documentation to establish this, and the Co-op has ignored this documentation from the Co-op Member, including failing to call them at a meeting of the Co-op's Board of Director's when this issue was on the agenda.
2. The order determines that the Board has no jurisdiction to revisit the Co-op's decision as to the Co-op Member's monthly housing charges based on a loss of subsidy, or calculation of a rent-geared-to-income amount.
3. Pursuant to section 203.1 of the *Residential Tenancies Act*, 2006 (the "Act"):

203.1 The Board shall not make determinations or review decisions in respect of non-profit housing co-operatives concerning,

(a) housing charges that have been established by a resolution of the members of a non-profit housing co-operative or, where authorized by the by-laws of the co-operative, by the board of directors of the co-operative;

(b) eligibility for, or the amount of, any subsidy established for the regular monthly housing charges; or

(c) eligibility for, or the amount of, any subsidy awarded to a member.

4. Given this, I find there was no error in the order determining that the Board did not have jurisdiction to make determinations on this issue.
5. The Board also does not have jurisdiction over the procedural processes of the Co-op and its board of directors. The Board has only very limited jurisdiction with respect to non-profit housing co-operatives, and does not have general jurisdiction over the workings of the Co-op pursuant to the *Co-operative Corporations Act*, RSO 1990, c C-35 (the "CCA").
6. If the Co-op is not meeting their obligations under the CCA in a manner that is impacting the Co-op Member's rights to natural justice (and I expressly make no findings in this regard) then the Co-op Member may have recourse pursuant to the CCA. However, that recourse is not within the jurisdiction of the Board.
7. On the basis of the submissions made in the request, I am not satisfied that there is a serious error in the order or that a serious error occurred in the proceedings.

It is ordered that:

1. The request to review order LTB-C-087556-25 issued on April 8, 2026 is denied. The order is confirmed and remains unchanged.

May 11, 2026
Date Issued

Benjamin Seigel
Member, Landlord and Co-op Member 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.