



**Order under Section 94.7
Residential Tenancies Act, 2006**

File Number: LTB-C-030846-26

In the matter of: 40 BORELIA CRES
PORT PERRY ON L9L 1H5

Between: Borelia Co-operatives Homes Inc. Co-op

And

Beata Vivian Co-op Member

Borelia Co-operatives Homes Inc. (the 'Co-op') applied for an order to end the occupancy of the member unit and evict Beata Vivian (the 'Co-op Member') because the Co-op Member did not pay the regular monthly housing charges that the Co-op Member owes.

This application was heard by videoconference on May 31, 2026.

The Co-op's Legal Representative, Jamuna Bhatnagar, and employee of the Co-op, Dalia Halabi, attended for the Co-op. The Co-op Member also attended the Case Management Hearing.

The parties agreed to resolve the issues in the Co-op's application and requested the LTB to issue a Consent Order confirming their agreement.

I was satisfied that the parties understood the consequences of the Consent.

Agreed Facts:

1. The Co-op served the Co-op Member with a Notice to End Occupancy for Non-payment of Regular Monthly Housing Charges (N4C Notice). The Co-op Member did not void the notice by paying the amount of regular housing charges owing by the termination date in the N4C Notice or before the date the application was filed.
2. As of the hearing date, the Co-op Member was still in possession of the member unit.
3. The regular monthly housing charge is \$1 142.00.
4. The Co-op's application claims that the Co-op Member owes \$4 402.00 in arrears of the regular monthly housing charges up to April 30, 2026.
5. The Co-op Member owes the Co-op the \$186.00 application filing fee.
6. The Co-op is holding a refundable deposit of \$1 142.00.

7. At the Case Management Hearing on May 13, 2026, the Co-op Member stated that she filed for bankruptcy on April 15, 2026.
8. The Co-op confirmed that they received the bankruptcy documentation on May 1, 2026.
9. Section 69.2 of the Bankruptcy and Insolvency Act, R.S.C. 1985 (the 'BIA') provides that upon filing, all claims provable in bankruptcy are stayed. The stay of proceedings included proceedings before the Landlord and Tenant Board. Section 69.2 (1) provided that "on the bankruptcy of any debtor, no creditor has any remedy against the debtor or the debtor's property, or shall commence or continue any action, execution or other proceedings, for the recovery of a claim provable in bankruptcy." A claim for housing charges up to the date of filing cannot be pursued, although the Co-op Member is liable for the housing charges that accrued after that date.
10. As a result of the BIA stay, the Board cannot issue an order requiring the Co-op Member to pay monthly housing charge arrears that constitute a claim provable in bankruptcy or terminate the occupancy due to rent arrears that constitute a claim provable in bankruptcy. This finding is consistent with the Divisional Court's determination in *Forestwood Cooperative v. Pritz* [2002] O.J. No. 550.
11. The arrears of housing charges owing up to the date of the Bankruptcy are a claim provable in bankruptcy, and the Co-op is not permitted to continue this application with respect to recovery of those arrears or seek termination of the membership on the basis of the arrears.

On consent of the parties, it is ordered that:

1. The Co-op's application for the amount provable in bankruptcy is stayed as a result of the Co-op Member's bankruptcy filing. The application is stayed until the Court otherwise decided or until the Co-op Member is discharged from bankruptcy.

May 20, 2026
Date Issued

Susan Parsons
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.