



Order under Section 94.7 Residential Tenancies Act, 2006

File Number: LTB-C-032500-26

In the matter of: Unit 51, 125 COLE RD
GUELPH ON N1G4S8

Between: Cole Road Co-operative Community Inc. Co-op

and

Kelly Moreland Co-op Member

Cole Road Co-operative Community Inc. (the 'Co-op') applied for an order to end the occupancy of the member unit and evict Kelly Moreland (the 'Co-op Member') because the Co-op Member did not pay the regular monthly housing charges that the Co-op Member owes.

The Co-op also claimed late charges on the application.

A Case Management Hearing was held on May 21, 2026, at 11:00am. Only Legal representative Hunter Stone and Property Manager Sharon Black attended for the Co-op.

As of 11:20, the Co-op Member was not present or represented at the hearing although properly served with notice of this hearing by the LTB. Additionally, the Property Manager saw the Co-op Member in the Co-op's office earlier in the day retrieving her mail. There was no record of a request to adjourn the hearing. As a result, the hearing proceeded with only the Co-op's evidence.

Determinations:

1. The Co-op served the Co-op Member with a valid 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. The Co-op Member did not file a response to the application. Therefore, they are deemed to have accepted all the facts and allegations in the application pursuant to Rule 12.5 of the LTB's Rules of Procedure.
3. As of the hearing date, the Co-op Member was still in possession of the member unit.
4. The regular monthly housing charge is \$1,116.00. It is due on the 1st day of each month.

5. The daily compensation is calculated as follows: \$1,116.00 x 12, divided by 365 days.
6. The Co-op Member has not made any payments since the application was filed.
7. The regular monthly housing charges owing to May 31, 2026, are \$29,334.18.
8. The Co-op Member also owes the Co-op \$50.00 for late fees.
9. The Co-op incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.
10. The Co-op Member is owed \$867.00 for refundable deposits. The total refundable deposit is set off against the amount the Co-op Member owes.
11. I have considered all of the disclosed circumstances in accordance with subsection 94.12(2) of the Residential Tenancies Act, 2006 (the 'Act'), and find that it would be unfair to grant relief from eviction pursuant to subsection 94.12(1) of the Act.

It is ordered that:

1. The Co-op Member's occupancy is terminated unless the Co-op Member voids this order.
2. **The Co-op Member may void this order and continue the occupancy by paying to Co-op or to the LTB in trust:**
 - \$29,570.18 if the payment is made on or before May 31, 2026. See Schedule 1 for the calculation of the amount owing.

OR

 - \$30,686.18 if the payment is made on or before June 2, 2026. See Schedule 1 for the calculation of the amount owing.
3. The Co-op Member may also make a motion at the LTB to void this order under section 74(11) and 94.16(2)(b) of the Act, if the Co-op Member has paid the full amount owing as ordered plus any additional regular monthly housing charges that became due after June 2, 2026 but before the Court Enforcement Office (Sheriff) enforces the eviction. The Co-op Member may only make this motion once during the occupancy agreement with the Co-op.
4. **If the Co-op Member does not pay the amount required to void this order the Co-op Member must move out of the member unit on or before June 2, 2026**
5. If the Co-op Member does not void the order, the Co-op Member owes the Co-op \$28,357.67. This amount includes arrears of regular monthly housing charges owing up to the date of the hearing and other unpaid housing charges and the cost of filing the application. Any refundable deposits are deducted from the amount owing by the Co-op Member. See Schedule 1 for the calculation of the amount owing.
6. The Co-op Member shall also pay the Co-op compensation of \$36.69 per day for the use of the unit starting May 22, 2026, until the date the Co-op Member moves out of the unit.

7. If the Co-op Member does not pay the Co-op the full amount owing on or before June 2, 2026, the Co-op Member will start to owe interest. This will be simple interest calculated from June 3, 2026, at 4.00% annually on the balance outstanding.
8. If the unit is not vacated on or before June 2, 2026, then starting June 3, 2026, the Co-op may file this order with the Court Enforcement Office (Sheriff) so that the eviction may be enforced.
9. Upon receipt of this order, the Court Enforcement Office (Sheriff) is directed to give vacant possession of the unit to the Co-op on or after June 3, 2026.

May 22, 2026
Date Issued

Lindsay Phomin
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.

In accordance with section 81 of the Act, the part of this order relating to the eviction expires on December 3, 2026, if the order has not been filed on or before this date with the Court Enforcement Office (Sheriff) that has territorial jurisdiction where the rental unit is located.

Schedule 1
SUMMARY OF CALCULATIONS

A. Amount the Co-op Member must pay to void the eviction order and continue the occupancy if the payment is made on or before May 31, 2026

Regular Monthly Housing Charges Owing To May 31, 2026	\$29,334.18
Total Other Housing Charges	\$0.00
Application Filing Fee	\$186.00
Late Charges	\$50.00
Less the amount the Co-op Member paid into the Co-op since the application was filed	- \$0.00
Less the amount the Co-op Member paid into the LTB since the application was filed	- \$0.00
Less the amount of the credit that the Co-op Member is entitled to	- \$0.00
Total the Co-op Member must pay to continue the occupancy	\$29,570.18

B. Amount the Co-op Member must pay to void the eviction order and continue the occupancy if the payment is made on or before June 2, 2026

Regular Monthly Housing Charge Owing To June 30, 2026	\$30,450.18
Total Other Housing Charges	\$0.00
Application Filing Fee	\$186.00
Late Charges	\$50.00
Less the amount the Co-op Member paid to the Co-op since the application was filed	- \$0.00
Less the amount the Co-op Member paid into the LTB since the application was filed	- \$0.00
Less the amount of the credit that the Co-op Member is entitled to	- \$0.00
Total the Co-op Member must pay to continue the occupancy	\$30,686.18

C. Amount the Co-op Member must pay if the occupancy is terminated

Regular Monthly Housing Charges Owing To Hearing Date	\$28,988.67
Total Other Housing Charges	\$0.00
Application Filing Fee	\$186.00
Late Charges	\$50.00
Less the amount the Co-op Member paid into the Co-op since the application was filed	- \$0.00
Less the amount the Co-op Member paid into the LTB since the application was filed	- \$0.00
Less the amount of refundable deposits	- \$867.00
Less the amount of the credit that the Co-op Member is entitled to	- \$0.00
Total amount owing to the Co-op	\$28,407.67
Plus daily compensation owing for each day of occupation starting May 22, 2026	\$36.69 (per day)

