



Order under Section 94.7 Residential Tenancies Act, 2006

Citation: Dufferin Grove Housing Co-operative Corporation v Chapman, 2026 ONLTB 45371

Date: 2026-06-17

File Number: LTB-C-097068-25

In the matter of: UNIT 106, 31 MELBOURNE AVE
TORONTO ON M6K1K4

Between: Dufferin Grove Housing Co-operative
Corporation

Co-op

And

Ruth Chapman

Co-op Member

Dufferin Grove Housing Co-operative Corporation (the 'Co-op') applied for an order to end the occupancy of the member unit and evict Ruth Chapman (the 'Co-op Member') because the Co-op Member, another occupant of the member unit or someone the Co-op Member permitted in the residential complex has substantially interfered with the reasonable enjoyment or lawful right, privilege or interest of the Co-op or another member of the Co-op or occupant of the residential complex.

The Co-op also claimed compensation for each day the Co-op Member remained in the unit after the termination date.

A Case Management Hearing was held on January 29, 2026. The parties were unable to resolve the application. Therefore, the matter proceeded to a merits hearing.

This application was heard by videoconference on April 28, 2026.

The Co-op's legal representative Michael Hackl, and the Co-op's agents Cameron Wheeler and Tonya Earle attended for the Co-op. The Co-op Member also attended the hearing.

It is determined that:

1. As explained below, the Co-op has proven on a balance of probabilities the grounds for termination of the occupancy in the application however, in these circumstances a condition order is appropriate.
2. The Co-op Member did not file a response to the application as required by Rule 12.4 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.

N5C Notice of Termination- Substantial Interference

4. On July 29, 2025, the Co-op gave the Co-op Member a valid, first voidable N5C notice of termination with a termination date of August 19, 2025. The first N5C alleges multiple specific incidents between May 2023 and July 2025 wherein the Co-op Member engaged in a course of harassment and interference towards other co-op members, delivery drivers, and guests of other co-op members.
5. Therefore, the Co-op was allowed to give the Co-op Member a second, non-voidable N5C notice of termination under paragraph 11 of section 94.2 of the *Residential Tenancies Act, 2006* (the "Act").
6. On November 12, 2025, the Co-op gave the Co-op Member a second N5C notice of termination with a termination date of November 26, 2026. The ground for termination in the two N5C Notices is the same. The second notice of termination alleges that between August 14, 2025, and November 4, 2025, the Co-op Member would yell for lengthy periods of time, and yell at other co-op members.
7. Other allegations listed in the second N5C notice pertain to feeding neighbourhood cats, and interfering with delivery drivers and security personnel.

Co-op's Evidence

Janet Batisse

8. Janet Batisse (JB) testified that she is a former co-op member and lived at the Co-op for approximately 10 years. JB's evidence is that she moved out of the Co-op at the beginning of 2025 because of severe issues with the Co-op Member Ruth Chapman that caused her to have severe health issues.
9. JB testified that she "went through things" with the Co-op Member almost daily. JB gave evidence that the Co-op Member would argue and bicker with co-op members and was always "picking on" her family.
10. JB recounted problems taking out her garbage because the Co-op Member would confront her or her grandson about being noisy when taking out garbage, the time garbage was being taken out, and slamming the lids to the garbage bins.
11. JB also testified that the Co-op Member would confront her family who came to visit and the Co-op Member would often say something inappropriate or use profanity.
12. JB also gave testimony that in January 2024 she experienced a medical emergency requiring EMS assistance. JB's evidence is that the Co-op Member came out of her unit and began asking questions of the paramedics like, "Who are you taking out?", and "Why are you here?".
13. JB recalled her first year at the Co-op being "bad" and initially believed the Co-op Member was a property manager because of the various directions and instructions being given by the Co-op Member.

14. JB testified that the Co-op Member confronted her daughter and would tell JB's guests that they couldn't come to the building.

Tonya Earle

15. TE testified that she is responsible for addressing complaints received by the Co-op, and records of all complaints are maintained at the Co-op's office.
16. TE gave evidence that all of the allegations made in the N5C are accurate and based on complaint records kept by the Co-op.
17. TE testified in relation to each incident alleged in the second N5C notice and her testimony was corroborated by either "Incident Report Forms", or e-mail complaints from other members of the Co-op.
18. TE's testimony in relation to the complaints and allegations is summarized as follows:
- August 14, 2025- a delivery was intercepted by the Co-op Member. The delivery driver was harassed by the Co-op Member and questioning the delivery person.
 - August 14, 2025- the Co-op Member asked a security guard to move the belongings of another member and questioned them about being at the neighbours house.
 - August 27, 2025- The Co-op received a complaint that the Co-op Member is feeding neighbourhood cats. The incident report alleges the Co-op Member leaves her door open to coax the cat into her unit and was warned by the cat's owner not to feed the cat on Co-op property.
 - September 11, 2025- the Co-op Member was "talking very loudly", yelling at cars, and speaking loudly to dogs. This incident occurred the day prior (September 10). Another complaint about this incident was received from a different co-op member on September 12, 2025. The co-op member that submitted this complaint was frustrated and angry that they were being "held hostage to the yelling" alleging 6 hours of yelling. The co-op member complaints that they couldn't open windows, sit outside, or hear their television.
 - September 23, 2025- The Co-op Member yelled across the street using profanities.
 - September 24, 2025- The Co-op Member was yelling at other co-op members.
 - October 13, 2025- The Co-op received a complaint that the co-op Member was yelling for two hours straight at cats. The complainant states the behaviour has been going on for 2 weeks.
 - November 3, 2025- The Co-op received a complaint that the Co-op Member has been yelling at others for two day including yelling at drivers, cars, and people walking past. The complaint also alleges the Co-op Member used inappropriate language towards a delivery driver.

- November 3, 2025- The co-op member was yelling at another member who was cleaning up leaves outdoors.
 - November 4, 2025- The Co-op Member yelled at another member and to others across the street. A co-op member was taking out recycling and hurt their arm causing them to drop the lid of the bin; the Co-op Member came out and yelled at them for dropping the bin lid.
19. TE testified that many of the incident reports and e-mails have contact information redacted because the complainants fear retaliation.
20. TE also gave evidence that since the second N5C was served to the Co-op Member, there were two additional incidents on November 28, 2025, and March 3, 2026 wherein the Co-op Member was yelling at her cats and another co-op member who was putting out their garbage.
21. TE's evidence is that there is typically a period during the winter months when the Co-op Member is less actively causing issues, and the behaviour resumes during the warmer seasons.
22. TE also testified that the Co-op Member has complained to the Co-op about noise but TE's office is in the same location as the Co-op Member's unit and she cannot hear the noise as acutely as the Co-op Member. TE also gave testimony about efforts to investigate minimizing noise in the Co-op Member's unit.

Co-op Member's Evidence

23. The Co-op Member testified that she is 67 years old and has lived at the Co-op for approximately 30 years. The Co-op Member's evidence is that she still does her part to contribute to cleaning up the Co-op and abides by the majority of the Co-op's rules (by-laws).
24. The Co-op Member also gave evidence that she is susceptible to noise and is unable to live peacefully in her unit because of other co-op members creating noise disturbances.
25. The Co-op Member was asked if she had alcohol dependency issues and she answered, "a little bit", but qualified that she doesn't drink alcohol daily.
26. The Co-op Member testified on cross examination that she acknowledges many of the Landlord's allegations had occurred but stated there is another side to the story.
27. Despite the Co-op Member's assertion that there is "another side to the story", the Co-op Member's evidence focused on the issues she experiences with noise but she did not provide a differing version of any of the events alleged.

Analysis

28. The Co-op's N5 notice was served pursuant to section 94.2 (1), 8. of the Act which permits a Co-op to apply to the LTB for an order to evict the Co-op Member because:

8. The conduct of the member, another occupant of the member unit or a person permitted in the residential complex by the member is such that it substantially interferes with the reasonable enjoyment of the residential complex for all usual purposes by the co-operative or another member of the co-operative or occupant of the residential complex or substantially interferes with another lawful right, privilege or interest of the co-operative or another such member or occupant.
29. The Co-op Member did not dispute the allegations and did not provide a differing version of events. Despite the Co-op not calling any witnesses to testify as to the impact of the Co-op Member's behaviour, many of the redacted complaints are consistent in stating the issues are persistent, ongoing, and disruptive.
30. Accordingly, the Co-op has proven, on a balance of probabilities that the Co-op Member has substantially interfered with the reasonable enjoyment of other co-op members by persistent yelling, confrontations, and making disparaging remarks.

Relief from Eviction

31. The Co-op's representative requested an order for eviction on the basis that the Co-op Member did not dispute the allegations and instead of accepting responsibility, the Co-op Member's testimony tried to justify or excuse the behaviour by attributing her outbursts to having poor reactions to noise.
32. The Co-op's representative described the offending behaviour as, "Yelling on co-op property, yelling at pedestrians and persons walking by, people parking vehicles. Accosting delivery persons. Concerns about yelling and name-calling."
33. The Co-op's representative made submissions that the written complaints were redacted, and members of the Co-op declined to testify out of fear of retaliation.
34. The Co-op's representative also made submissions that the Co-op has attempted to avoid seeking eviction however, the persistence of the Co-op Member's behaviour is suggestive that the Co-op Member would be unable to adhere to terms imposed in a conditional order, especially since her behaviour continued after service of the first N5C notice.
35. When considering relief from eviction, it is noted that the number of subsequent complaints after service of the second N5C was minimal (November 28, 2025, and March 3, 2026).
36. The Co-op has been a member at the Co-op for approximately 30 years. There was no evidence that the Co-op Member's occupancy of her unit was anything other than unremarkable before the issues in the past few years.
37. The Co-op Member's behaviour may have caused JB to move out of the Co-op however, the evidence shows that this is more likely a result of an intense interpersonal dispute, and not the generally disruptive behaviour alleged in the N5C notice.

38. The Co-op Member's behaviour is clearly disruptive. The persistence of the issues is concerning however, when tempered against the length of the Member's occupancy of the unit, and the substance of the allegations being mostly yelling, name-calling, and interference, a conditional order is appropriate.
39. 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 not be unfair to grant relief from eviction subject to the conditions set out in this order pursuant to subsection 94.12(1)(a) and 204(1) of the Act.

It is ordered that:

1. The Co-Op Member's occupancy continues if the Co-op Member meets the conditions set out below.
2. For the duration of the Co-op Member's occupancy:
 - a. The Co-op Member shall not interfere with couriers, delivery drivers, or deliveries being made at the Co-op.
 - b. The Co-op Member shall not yell or scream on the Co-op property, in common areas of the Co-op, or in her rental unit.
 - c. The Co-op Member shall not confront, yell, or scream at other co-op members, co-op staff, security personnel, delivery drivers, or couriers.
 - d. The Co-op Member shall not use profanities or make disparaging remarks to, or about, other co-op members, co-op staff or agents, security personnel, delivery drivers, or couriers.
 - e. The Co-op Member shall not feed stray cats, or cats that belong to other members of the Co-op.
3. If the Co-op Member fails to comply with the conditions set out in paragraph 2 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.
4. The Co-op Member shall pay to the Co-op \$186.00 for the cost of filing the application.
5. If the Co-op Member does not pay the Co-op the full amount owing on or before July 15, 2026, the Co-op Member will start to owe interest. This will be simple interest calculated from July 16, 2026, at 4.00% annually on the balance outstanding.

June 17, 2026
Date Issued

Kyle McGraw
Member, 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.