



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

Citation: Willow Park Cooperative Homes Inc. v Whyte, 2026 ONLTB 47617

Date: 2026-06-19

File Number: LTB-C-099246-25-RV

In the matter of: 89, 610 BEATRICE ST E
OSHAWA ON L1K2J1

Between: Willow Park Cooperative Homes Inc. Co-op

And

Denise Whyte Co-op
Member

Review Order

Willow Park Cooperative Homes Inc. (the 'Co-op') applied for an order to end the occupancy of the member unit and evict Denise Whyte (the 'Co-op Member') because:

- the Co-op Member failed to pay the regular monthly housing charges lawfully owing with respect to the member unit (C1 Application); and
- the Co-op Member has been persistently late in paying the Co-op Member's regular monthly housing charges (C2 Application).

In addition, the Co-op claimed administration or NSF cheque charges.

This application was resolved by order LTB-C-099246-25 issued on May 13, 2026 pursuant to hearing held on May 6, 2026 attended by the Co-op's Legal Representative Sara Murtadha, the Co-op Member Denise Whyte, and the Co-op Member's Support Person Raghav Maini.

On June 12, 2026, the Co-op Member requested a review of the order.

A preliminary review of the review request was completed without a hearing. In determining this request, I reviewed the materials in the LTB's file as well as the audio recording for this hearing.

Determinations:

1. The Co-Op Member submits they were not reasonably able to participate in the hearing and that there are serious errors in the order or proceedings.
2. The Co-Op Member submits that they were not reasonably able to participate in the hearing as they were repeatedly interrupted and not given a meaningful opportunity to

present evidence by the adjudicator. I have reviewed the hearing recording and find that the Co-Op Member was able to meaningfully participate in the hearing. The adjudicator conducted an exemplary hearing and permitted the Co-Op Member to present evidence and submissions relevant to the issues to be decided in the application.

3. While the adjudicator occasionally interrupted the Co-Op Member to redirect them to the issues or evidence that would be relevant and material to the application, these interruptions were appropriate in the context of the proceeding. I note that the further evidence the Co-Op Member wished to raise was in the context of what they believed should be the proper RGI amount for the unit, or the process by which the Co-Op determined that amount. As further discussed below, this was not a subject of the application as it is not within the LTB's jurisdiction.
4. The Co-Op Member makes submissions in their request to review that they were not able to reasonably participate in the hearing as they were inadequately prepared for the hearing due to their paralegal withdrawing from representation on April 25, 2026, and because tenant duty counsel did not attend the hearing to clarify questions the Co-Op Member had about the hearing process. However, I note that this issue was not raised in the hearing and the Co-Op Member did not make an adjournment request in respect of this issue.
5. A party who feels they are not prepared to proceed with an application has an obligation to raise this with the adjudicator and seek an adjournment at the hearing. This allows parties to make submissions on its appropriateness so that the adjudicator can make an informed determination as to whether a procedurally fair hearing can occur. Not doing so, and then later claiming unpreparedness based on the withdrawal of counsel after a party finds they are unhappy with the hearing result, is not a sufficient basis to ground a preliminary finding that the Co-Op Member was not reasonably able to participate in the proceeding, or that there was a serious error in the proceeding.
6. The request to review submits that the order contains a serious error as it failed to consider the disabilities of the Co-Op Member or her son, who lives with her, or properly consider sections 83 and 94.12 of the *Residential Tenancies Act*, 2006 (the "Act"). Section 83 applies to issues related to the evictions of tenants, where section 94.12 of the Act is applicable to issues related to housing co-operatives, as is the case in this application.
7. Paragraphs 17 to 20 of the order addresses relief from eviction under section 94.12 of the Act and specifically references and considers the health status of the Co-Op Member and her son in reaching a determination on this issue. The adjudicator determined it was appropriate to delay eviction of the Co-Op Member by a period slightly in excess of two months after undertaking this consideration. This is a reasonable exercise of discretionary relief made with reference to the evidence given by the Co-Op Member as to their circumstances in the hearing, including their medical circumstances. The reasonable exercise of discretion will not be interfered with on review.

8. The remainder of the request alleging serious error amounts to submissions that the arrears found to be owing are incorrect due to the Co-Op Member's position that the RGI amount has been miscalculated, or that the process for the determination of the RGI amount was unfair. As correctly pointed out in paragraphs 4 and 5 of the order, the LTB does not have jurisdiction to make determinations in relation to the Co-Op Member's subsidy, or the subsidy process.
9. Additionally, as noted in paragraph 6 of the order, other than disputes related to the amount of subsidy and the subsidy process, the Co-Op Member did not dispute the amount owing. This is reflected in the recording. I therefore find there was no serious error in the order in respect of the findings as to the amount of arrears owing.
10. On the basis of the submissions made in the request, I am not satisfied that there is a serious error in the order, that a serious error occurred in the proceedings or that the Co-op Member was not reasonably able to participate in the proceeding.

It is ordered that:

1. The request to review order LTB-C-099246-25 issued on May 13, 2026 is denied. The order is confirmed and remains unchanged.

June 19, 2026
Date Issued

Benjamin Seigel
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.