



## Order under Section 94.7 Residential Tenancies Act, 2006

**Citation:** Fife Road Co-operative Homes, Inc. v Ceho, 2024 ONLTB 10940

**Date:** 2024-02-15 **File**

**Number:** LTB-C-027268-23

**In the matter of:** 45, 190 FIFE ROAD  
GUELPH ON N1H8L4

**Between:** Fife Road Co-operative Homes Inc.

**Co-op**

**and**

Merima Ceho

**Co-op Member**

Fife Road Co-operative Homes and Inc. (the 'Co-op') applied to the Landlord and Tenant Board (LTB) for an order to end the occupancy of the member unit and evict Merima Ceho (the 'Co-op Member') because the Co-op Member did not pay the regular monthly housing charges that the Co-op Member owes.

The Notice of Hearing sets out the time, place, and location of the CMH and states that if the Coop Members do not attend the CMH, the hearing on the merits may proceed on the same day and the LTB may issue an order evicting the Co-op Members. I was satisfied the Notice of Hearing was served and that the Co-op Members had proper notice of the CMH.

A Case Management Hearing (CMH) was held by videoconference on February 7, 2024, at 9:00 am. Co-op Representatives Dale Skvereckas, Paralegal, Trevor Black, Property Manager, and George Natsvlshvili, Assistant Co-Ordinator attended the CMH.

As of 9:30 am, the Co-op Member was not present or represented at the hearing although properly served with notice of this hearing by the LTB. 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 Nonpayment 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 serve and file a Response to the Application as required by Rule 12.5. In these circumstances, the Co-op Member is deemed to have accepted all of the facts and allegations in the Application and permits the LTB to decide the Application based on the materials before it.
3. As of the hearing date, the Co-op Member was still in possession of the member unit.
4. The regular monthly housing charge for the unit is \$918.00. However, the Co-op Member receives a subsidy which reduces the Co-op Member's portion to \$259.00. It is due on the 1st day of each month.
5. The daily compensation is calculated as follows: \$259.00 x 12, divided by 365 days.
6. The Co-op Member paid \$2,277.00 to the Co-op since the application was filed.
7. The regular monthly housing charges owing to February 29, 2024 are \$1,841.00.
8. The Co-op incurred costs of \$186.00 the application filing fee and is entitled to reimbursement of those costs.
9. The Co-op Member is owed \$873.00 refundable deposit. The total refundable deposit is set off against the amount the Co-op Member owes.
10. Based on all the uncontested evidence presented to me I am satisfied that the Co-op Member has not paid the total regular monthly housing charges required for the period up to February 29, 2024, to avoid termination.
11. There were no circumstances to support consideration of relief from eviction in accordance with subsection 94.12(2).
12. All of my reasons in support of this order are contained in the above paragraphs. No further reasons will be issued.

**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:**

- \$2,027.00 if the payment is made on or before February 26, 2024. See Schedule 1, Part A for the calculation of the amount owing.

- [3] **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 February 26, 2024**
- [4] If the Co-op Member does not void the order, the Co-op Member owes the Co-op \$954.64. This amount includes arrears of regular monthly housing charges owing up to the date of the hearing and the cost of filing the application. Any refundable deposits are deducted from the amount owed by the Co-op Member. See Schedule 1, Part B for the calculation of the amount owing.
- [5] The Co-op Member shall also pay the Co-op compensation of \$8.52 per day for the use of the unit starting February 8, 2024, until the date the Co-op Member moves out of the unit.
- [6] If the Co-op Member does not pay the Co-op the full amount owing on or before February 26, 2024, the Co-op Member will start to owe interest. This will be simple interest calculated from February 27, 2024, at 7.00% annually on the balance outstanding.
- [7] If the unit is not vacated on or before February 26, 2024, then starting February 27, 2024, the Co-op may file this order with the Court Enforcement Office (Sheriff) so that the eviction may be enforced.
- [8] 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 February 27, 2024.
- [9] 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 February 26, 2024, 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.

**February 15, 2024**

**Date Issued**

15 Grosvenor Street, Ground Floor Toronto  
ON M7A 2G6

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C. M. Landon, Hearing Officer,  
Landlord and Tenant Board

If you have any questions about this order, call 416-645-8080 or toll-free at 1-888-332-3234.

Per section 81 of the Act, the part of this order relating to the eviction expires on August 27, 2024, 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 February 26, 2024**

Regular Monthly Housing Charges Owing To February 29, 2024	\$4,118.00
Total Other Housing Charges	\$0.00
Application Filing Fee	\$186.00
NSF Charges	\$0.00
<b>Less</b> the amount the Co-op Member paid into the Co-op since the application was filed	- \$2,277.00
<b>Less</b> the amount the Co-op Member paid into the LTB since the application was filed	- \$0.00
<b>Less</b> the amount of the credit that the Co-op Member is entitled to	- \$0.00
<b>Total the Co-op Member must pay to continue the occupancy</b>	<b>\$2,027.00</b>

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

Regular Monthly Housing Charges Owing To Hearing Date	\$3,918.64
Total Other Housing Charges	\$0.00
Application Filing Fee	\$186.00
NSF Charges	\$0.00
<b>Less</b> the amount the Co-op Member paid into the Co-op since the application was filed	- \$2,277.00
<b>Less</b> the amount the Co-op Member paid into the LTB since the application was filed	- \$0.00
<b>Less</b> the amount of refundable deposits	- \$873.00
<b>Less</b> the amount of the credit that the Co-op Member is entitled to	- \$0.00
<b>The total amount owing to the Co-op</b>	<b>\$954.64</b>
Plus daily compensation owing for each day of occupation starting February 8, 2024	\$8.52 (per day)