



**Order under Section 126  
Residential Tenancies Act, 2006**

**File Number:** LTB-L-003804-24

**In the matter of:** 285 Montrave Avenue, Oshawa, Ontario, L1J 4S3

**Between:** Edward Grazyna Kowalczyk Landlord

**And**

Refer to attached Schedule 2 Tenants

Edward Grazyna Kowalczyk (the 'Landlord') applied for an order permitting the rent charged to be increased by more than the guideline for one or more of the rental units in the residential complex.

A Case Management Hearing took place by videoconference on November 10, 2025.

The following parties attended the hearing: the Landlord, Edward Grazyna Kowalczyk, the Landlord's Agent, Grace Grazyna, the Tenant, Mike Seles, and the Tenant, Sebastian Mailhot.

**At the Case Management Hearing the parties agreed to the following:**

1. The maximum rent increase above the guideline because of a capital expenditure is 2.50%. This increase is for the following capital expenditure:
  - a. Heating boiler replacement.
2. Where the Landlord's application requests an increase of 3.22%, the maximum increase above the guideline for these units is 2.50%. This increase is to be taken in the first year.
3. The weighted useful life for the capital expenditures is 10 years.
4. The first effective date of the rent increase above the guideline is April 1, 2024.

**On consent of the parties, it is ordered that:**

1. The Landlord may increase the rents charged by 2.50% for the units set out in Schedule 1.

2. The percentage increase set out in paragraph 1 is to be taken as follows:
  - a. The Landlord may increase the rents charged by 2.50% within the time period of April 1, 2024 to March 31, 2025; and
3. The percentage increase set out in paragraph 1 may be taken in addition to the annual guideline in effect on the increase date for the unit.
4. The Landlord or the Tenants shall pay to the other any sum of money that is owed as a result of this order within 120 days of the date of this order.

**January 5, 2026**

**Date Issued**

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**Christine Leitch**

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.

**Important Notes:**

1. The Landlord may increase the rent charged by the ordered increase within the time period specified if at least 12 months have passed since the last rent increase or since the tenant moved in, and if the landlord has given the Tenant at least 90 days proper Notice of Rent Increase.
2. If the Landlord has given a Notice of Rent Increase for a rent increase that is less than the ordered increase, the Landlord may only take the rent increase set out in the Notice.
3. If the Tenant's rent is increased pursuant to the percentage increase ordered for capital expenditures and the same Tenant remains in the unit after the expiration of the weighted useful life for capital expenditures, then the rent will be reduced. Refer to Schedule 3 for information about the date and amount of the rent reduction.
4. The annual guideline for 2023 is 2.50%, for 2024 is 2.50%, for 2025 is 2.50% and for 2026 is 2.10%.

**Schedule 1 - Units affected by this Order:**

1  
2  
3  
4  
5

**Schedule 2 - Tenants who are Affected by this Order:**

Kelly, Sharon  
Mailhiot, Sebastian  
Palmer, Robert Andrew  
Powell, Maryanne  
Seles, Mike

### **Schedule 3 - Rent Reduction related to Capital Expenditures**

#### **A. Date of Rent Reduction**

**If the Tenant's rent is increased based on capital expenditures during the period 2024 then:**

The date of the rent reduction will be the day before:

- the date of the Tenant's first rent increase under this order, plus
- the number of years for the weighted useful life for capital expenditures for the unit (set out in this order).

*Example:*

*If the Tenant's rent was increased on June 1, 2021 and the weighted useful life for capital expenditures is 10 years, then the rent will be reduced on May 31, 2031.*

**If the Tenant's rent was *not* increased based on capital expenditures during the period 2024 but was increased during the later periods set out in the order then:**

The date of the rent reduction will be the day before:

- the First Effective Date of Rent Increase in this order, plus
- the number of years for the weighted useful life for capital expenditures for the unit (set out in this order).

*Example:*

*If the first effective date of increase in this order is April 1, 2021 and the weighted useful life for capital expenditures is 10 years, then the rent will be reduced on March 31, 2031.*

#### **B. Amount of Rent Reduction**

**If the Tenant's rent is increased by the total percentage increase set out in this order then:**

The rent must be reduced by the total percentage increase set out in this order for capital expenditures.

**If the Tenant's rent is *not* increased by the total percentage increase set out in this order then:**

The rent must be reduced by an amount determined in accordance with the prescribed rules which may be equal to or less than the total percentage increase set out in this order for capital expenditures.