



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

**File Number: LTB-L-069870-23**

**In the matter of:** 151 Hughson Street South, Hamilton, Ontario, L8N 3Y4

**Between:** IMH Forest-Young-Hughson Ltd. Landlord

**and**

Refer to attached Schedule 2 Tenants

IMH Forest-Young-Hughson Ltd. (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 December 2, 2025.

The following parties attended the hearing for the Landlord: the Landlord's legal representative, Paul Cappa; and the Landlord's agents, Gaurav Jagtap, William Wang, Ashley Archer, Greg Wills, Ina Gjomema and Kim Stumpo.

The following Tenants attended the hearing: Abdulnasser Hamdan, Dorren Johnson (with Tenant support person Glasford Stewart), Kelvin Fletcher, Heather MacDonald, Ernest Fisher, Sangeetha Michael and Eiman Elshafai. The Tenants Ebrahim Fakhouri and Samar Najle attended with interpretation services provided by Milad Gaber for the duration of the hearing. Tenant June Arsenault attended with her legal representative, Ashley Wilson.

The Certificate of Service served by the Landlord on October 24, 2025, indicates that some rental units listed in the application were not served with the application and notice of hearing. The Board shall therefore amend the application by removing these rental units. As a result, this order for a rent increase above the guideline under section 126 of the Act does not apply to the following units: 203, 204, 205, 303, 304, 305, 306, 403, 404, 502, 601, 603, 604, 701, 702, 801, 901, 903, 906, 1002, 1003, 1203, 1406, 1501 and 1503.

### **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 2.00%. This increase is for the following capital expenditure:
  - a. Elevator modernization.

2. Where the Landlord's application requests an increase of 3.47%, the maximum increase above the guideline for these units is 2.00%. This increase is to be taken in the first year.
3. The weighted useful life for the capital expenditure is 15 years, as calculated by the Landlord and Tenant Board.
4. The first effective date of the rent increase above the guideline is December 1, 2023.

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

1. The Landlord may increase the rents charged by 2.00% 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 2.00% within the time period of December 1, 2023, to November 30, 2024.
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 180 days of the date of this order.

**January 6, 2026**

Date Issued

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**Sonja Hudson**

Dispute Resolution 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. Any part of the ordered increase that is not taken within the time period specified cannot be added to subsequent rent increases in subsequent time periods.
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 4 for information about the date and amount of the rent reduction.
4. The annual guideline for 2023 is 2.50%, and for 2024 is 2.50%.

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

**151 Hughson Street South, Hamilton, Ontario, L8N 3Y4**

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PH-01

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

Alvarez, James  
Aquino, Fe  
Arsenault, Craig  
Arsenault, June  
Chapeskie, Maria  
Charkowy, Erin  
Daudlin, Jaymie  
Dela Parra, Salvador Arevalo  
Elshafai, Eiman  
Fakhouri, Ebrahim  
Fisher, Ernest  
Fletcher, Kelvin  
G. Martin, Gerald  
Gadovry, Claudette  
Gonzales, Ramon  
Gonzalez, Ramon  
Hamdan, Abdunasser  
Hameed, Ali  
Hameed, Kawthar  
Hinchliffe, Carol  
Iafrate, Gabrielle  
Johnson, Dorren  
Jordan, Anthony  
Klassen, Abram  
Lees, John  
Lindsay, Mark

MacDonald, Heather  
MacDonald, Karen  
MacDonald, Lisa  
McDermid S, Christine  
Melnick, Douglas  
Michael, Sangeetha  
Mohamed, Anab  
Mohamed, Mohamed  
Mohamud, Ruqiya  
NdLovu, Cornelius  
Newton, Susan  
Orsos, Bernadett  
Powell, Darryl Edwin  
Qing Tang, Shao  
Ransome, Michael  
Robbins, Andrew  
Salerno, Brandon  
Salerno, Marta  
Smith, Mark  
Soos, Geza  
Sutherland, Gordon  
Tebek, Dessalegn  
Varrelli, Nancy  
Wang, Ze Yu  
Young, John Paul  
Young, John Paul, Ran

### **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 2023 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 the 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 2023 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 the 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.