



Order under Section 135 Residential Tenancies Act, 2006

Citation: MAISEY v C&A GROUP, 2026 ONLTB 4330

Date: 2026-01-12

File Number: LTB-T-049061-25

In the matter of: 302, 30 HAYDEN ST
HAMILTON ON L9A2X2

Between: MICHELLE MAISEY Tenant

And

C&A GROUP Landlord

MICHELLE MAISEY (the 'Tenant') applied for an order determining that C&A GROUP (the 'Landlord') collected or retained money illegally.

This application was heard by videoconference on January 8, 2026.

The Landlord's Legal Representative, Eric Spalvieri, and the Tenant attended the hearing.

Determinations:

1. As explained below, the Tenant did not prove the allegations contained in the application on a balance of probabilities. Therefore, the application is dismissed.
2. The Landlord raised as a preliminary issue to this application that the Tenant's claims could not proceed as the increase that forms the basis for the Tenant's claims has been deemed to be lawful by operation of the *Residential Tenancies Act, 2006* (the "Act") and additionally that the Tenant is estopped from raising these claims given the contents of previous orders of the LTB.
3. The Tenant alleges that:
 - a. The Landlord illegally raised the rent in an amount in excess to the rent increase guideline amount in August, 2023 when the rent was raised from \$780.00 to \$1,100.00; and
 - b. The Landlord further raised the rent in March, 2025 to \$1,127.00, such increase being based upon the previous alleged illegal rent increase.

4. The Landlord presented two different LTB orders related to this tenancy to support their position that the Tenant's application cannot succeed:
 - a. LTB-L-008674-24-VO, an order related to the Tenant's motion to void an eviction order before it was enforced, issued on August 27, 2024 pursuant to a hearing held on August 15, 2024; and
 - b. LTB-L-026563-25, a consent order issued on June 24, 2025 pursuant to a hearing held on June 19, 2025.

5. Section 135.1(1) of the Act states:

135.1 (1) An increase in rent that would otherwise be void under subsection 116 (4) is deemed not to be void if the tenant has paid the increased rent in respect of each rental period for at least 12 consecutive months.

(2) Subsection (1) does not apply with respect to an increase in rent if the tenant has, within one year after the date the increase was first charged, made an application in which the validity of the rent increase is in issue.

6. The Tenant acknowledged that pursuant to LTB-L-008674-24-VO, they had paid all of the rent that came due for the period between August, 2023 and August, 2024. This constitutes the payment of rent in respect of each period for at least 12 consecutive months following the rent increase. The Tenant further acknowledged that they had not commenced an application to challenge the validity of the rent increase prior to filing this application on June 13, 2025, well after this one year period.
7. Given the above, pursuant to section 135.1 of the Act, the increase in rent in August, 2023 was deemed to be lawful in August, 2024 and therefore cannot form the basis of a claim that the Landlord charged illegal rent. The increase from \$1,100.00 to \$1,127.00 falls within the 2.5% rent increase guideline permitted for 2025. Therefore, the Tenant's application cannot succeed and must be dismissed.
8. Given my findings above it is unnecessary for me to make determinations in relation to whether the Tenant was estopped from raising these issues due to the contents of LTB-L-026563-25, and I decline to do so.

It is ordered that:

1. The Tenant's application is dismissed.

January 12, 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.