



Order under Section 126 Residential Tenancies Act, 2006

File Number: LTB-L-044609-24

In the matter of: 45 Arkledun Avenue, Hamilton, Ontario L8N 2H6

Between: Carl Martel Landlords
Heather Kirk
45 Arkledun Hamilton Inc.

and

Refer to attached Schedule 2 Tenants

Carl Martel, Heather Kirk, and 45 Arkledun Hamilton Inc. (the 'Landlords') 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 25, 2025.

The following parties attended the hearing: the Landlords, Heather Kirk and Carl Martel, and several Tenants from units: 101, 304, 402, 503 and 702.

The Certificate of Service filed by the Landlords 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 4 units: 103, 403, 604 and 606.

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

1. The maximum rent increase above the guideline because of capital expenditures is 9.00%. This increase is for the following capital expenditures:
 - a. Balcony Restoration/Replacement; and
 - b. Related Engineering Services.
2. Where the Landlords' application requests an increase of 13.36%, the as claimed increase is capped at 9.00%, and is to be taken as follows: 3.00% in the first year; 3.00% in the second year; and 3.00% in the third year.
3. The weighted useful life for the capital expenditures is 20 years.
4. The first effective date of the rent increase above the guideline is September 1, 2024.

On consent of the parties, it is ordered that:

1. The Landlords may increase the rents charged by 9.00% 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 Landlords may increase the rents charged by 3.00% within the time period of September 1, 2024 to August 31, 2025; and
 - b. The Landlords may increase the rents charged by 3.00% within the time period of September 1, 2025 to August 31, 2026; and
 - c. The Landlords may increase the rents charged by 3.00% within the time period of September 1, 2026 to August 31, 2027.
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 Landlords or the Tenants shall pay to the other any sum of money that is owed as a result of this order within 365 days of the date of this order.

January 19, 2026
Date Issued

Janice Campbell
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 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 the Tenant 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 2024 is 2.50%, for 2025 is 2.50% and for 2026 is 2.10%. On or before August 31st of each year, the government will announce the guideline for the following year.

Schedule 1 - Units affected by this Order

101
103
104
201
202
203
204
205
303
304
305
401
402
403
405
406
501
503
504
505
602
604
605
606
702

Schedule 2 - Tenants who are Affected by this Order:

Ajeti, Arben
Ajeti, Gazmend
Brown, Roxanne
Cash, Tara
Chavez, Jose
Chennamraju, Bharadwaj Varma
Chitta, Nicole
Deepa, Joseph
Delgado, Delio
Deloyde-Roch, Allysa
Dupreez, Shane
Hynd, Angus
Jobin, Gabriel
Kaur Gill, Ravneet
Lanigan, Jordan
Mahoney, Patrick
McWhinnie, Kelly
Nguyen, Timothy
Okafor, Amaka Theodora
Ranger, Khadijah
Sarmiento, Noel
Seguin, Guy
Sonker, Anukool
Swierczynski, Tomasz
Zaugg, Roger

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 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 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 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 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.