Order under Section 126
Residential Tenancies Act, 2006

File Number: LTB-L-086387-23

In the matter of: 1475 Birchmount Road, Scarborough, Ontario, M1P 2G4

Between: 1475 Birchmount Ltd. Landlord

And

Refer to attached Schedule 2 Tenants

1475 Birchmount 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 January 19, 2026.

The following parties attended the hearing: the Landlord's Representative, Paul Cappa, the Landlord's Agents, Penny Colornvakos, Greg Wills, Gaurav Jagtap, Mohammed Asgar, and William Wang, and the Tenants, Nadiege Louis, Rose Marie Dasilva, Anthony Deabreu, and William Leitmann. Regina Kruger signed in, but was not present at the time the consent was recorded.

The Certificate of Service filed by the Landlord on December 18, 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: Unit 304 and 402.

The Tenant, Deanna Marshall, unit 102, has been severed from this application by a Member endorsement dated January 9, 2026, based on the Tenant's request to have a separate hearing. As a result, this consent order is not binding on unit 102.

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

1. The maximum rent increase above the guideline because of capital expenditure is 4.00%. This increase is for the following capital expenditure:
    a. Elevator Modernization.

2. Where the Landlord's application requests an increase of 4.48%, the maximum increase above the guideline for these units is 4.00%. This increase is to be taken as follows: 3.00% in the first year; and 1.00% in the second year.

3. The weighted useful life for the capital expenditures is 15 years.

4. The first effective date of the rent increase above the guideline is February 1, 2024.

5. There is a prior Above Guideline Rent Increase (AGI) order, file number LTB-L-007055-23 and LTB-L-081134-22 for this residential complex.
    a. Some of the units in this current application are affected by that prior AGI order. All of the permitted rent increases in the prior AGI order have not yet been taken. As a result, there will be an overlap in the rent increases from the prior and current orders for the affected units.
    b. For capital expenditure work done, the Landlord cannot increase the rent by more than 3% (plus the annual guideline amount) in any one year period even if there are overlapping AGI orders.
    c. The rent increases permitted by this current order may overlap with the increases in the prior AGI order up to the maximum of 3% per year (plus the annual guideline amount). However, if the maximum 3% per year has already been taken under the prior order, some or all of the rent increases in this order will be deferred until the rent increases in the prior order have been taken.

6. The Landlord waives all retroactive rent owing from the first effective date of February 1, 2024 up to and including the issuance date of this order.

On consent of the parties, it is ordered that:

1. The Landlord may increase the rents charged by 4.00% 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 3.00% within the time period of February 1, 2024 to January 31, 2025; and
    b. The Landlord may increase the rents charged by 1.00% within the time period of February 1, 2025 to January 31, 2026.

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 60 days of the date of this order.

<u>February 17, 2026</u>
Date Issued

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:

1475 Birchmount Road, Scarborough, Ontario, M1P 2G4

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Schedule 2 - Tenants who are Affected by this Order:

Andrews, Montgomery
Campbell, Adam
Campbell, Amanda
Campbell, Lily
Campbell, Richard
Charran, Brian
Cheong, Devon
Collins, Karen
Dasilva, Rose Marie
Deabreau, Ena
Deabreu, Anthony
Doyle, Pat
Faria, Jenalle
Faria, Jonathan
Kruger, Regina
Kruger, Wes
Leitmann, William
Lilkond, Ganesh
Lilkond, Shiloh
Lim, Evelyn R.
Louis, Ethan
Louis, Nadiege
Osbourne, Fitzroy
Palmer, Deandre
Porter, Barb
Rajendra, Lilkond
Rivett, Kim
Royal, Matthew
Sharma, Ashita
Sylvestor, Emerly
Taylor, Cindy
Taylor, George
Taylor, Krystal
Vadgama, Suresh
Vaughn, June

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.