



Order under Section 21.2 of the Statutory Powers Procedure Act and the Residential Tenancies Act, 2006

File Number: LTB-L-007487-23-RV

In the matter of: 666 Spadina Avenue, TORONTO, Ontario, M5S 2H8

Between: Spadina Towers Inc. Landlord

And

Dr. Mark Eltis Tenant

Review Order

Spadina Towers Inc. (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.

This application was resolved by order LTB-L-007487-23 issued on December 11, 2025.

On December 28, 2025, the Tenant requested a review of the order.

A preliminary review of the review request was completed without a hearing.

Determinations:

1. The Tenant alleges that there are several reviewable errors in the order. The Tenant submits that the order acknowledges that a prior above guideline increase order exists but fails to determine whether current order overlaps or is successive to the previous order or to indicate how statutory limits on compounding increases were applied.
2. The Tenant further submits that the Member applied an unduly narrow threshold for finding a serious maintenance, ignoring documented scalding water, smoke infiltration, and air quality harm arising from the capital work.
3. The Tenant alleges that the Member failed to meaningfully consider the Tenant's evidence linking the capital work to ongoing harm and enforcement driven mediation thereby preventing the Tenant from reasonably participating in a fair adjudication of the issues.

4. Based on the submissions made in the request, I am not satisfied that there is a serious error in the order or that a serious error occurred in the proceedings or that the was not reasonably able to participate in the proceeding.
5. Paragraph 81 of the order specifically addresses the overlap between the previous order and the current order in that not all increases previously ordered have been taken for some units (new tenants would not be affected) and lays out the maximum permissible increase for each year. Essentially, increases not fully taken are deferred or stacked. Thus, there is no error in the order with respect to the overlapping orders.
6. The threshold for finding a serious beach of the Landlord's obligations may be high, but the Member is bound by the decision of the Divisional Court in *Puterbough v. Canada Public Works and Government Services*, 2007 O.J. No. 748 (Div. Ct.). A breach of the Landlord's obligation is not sufficient. To establish that the Landlord is in serious breach of its maintenance obligations, the Tenant must show that there is a serious maintenance issue that is ongoing, that is, a serious and current issue the Landlord is aware of but has failed to address. On the evidence before the Member, it was also open to the Member to find that the alleged breaches of the Landlord's obligations are not serious. Furthermore, past issues that have been resolved are not ongoing.
7. A review of the order shows that the Member carefully considered the Tenant's evidence and addressed the Tenant's submissions in the order. The fact that the Member found that the Tenant's submissions were either not relevant or without merit does not mean that the Tenant did not have a reasonable opportunity to participate in the proceeding.

It is ordered that:

1. The request to review order LTB-L-007487-23 issued on December 11, 2025, is denied. The order is confirmed and remains unchanged.

March 4, 2026
Date Issued

Egya Sangmuah
Vice Chair, 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.