



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

File Number: LTB-L-020380-25

In the matter of: Main Floor, 3997 Bishopstoke Lane
Mississauga, Ontario, L4Z1H9

Between: Alicia Stempien Landlord

And

Elyssa Currey, Emma Westerhof, Olivia Ybema Tenants

Alicia Stempien (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 written hearing. The Board received a joint submission from Tenants, Olivia Ybema, Elyssa Currey, and Emma Westerhof. The Landlord filed submissions replying to the Tenants.

It is determined that:

Municipal Taxes and Charges

1. The Landlord justified a rent increase above the guideline because of an extraordinary increase in the municipal taxes and charges. I find that the increase in the municipal taxes and charges is “extraordinary” because the percentage increase between the reference year and the base year is greater than the guideline rent increase plus 50% of the guideline (section 28 of O. Reg. 516/06).
2. The maximum rent increase above the guideline because of an extraordinary increase in the cost for municipal taxes and charges is 0.81 %. This increase is to be taken in the first year.
3. I have accepted the Landlord’s amended application filed with the Board on August 6, 2025.
4. The first effective date of the rent increase above the guideline is June 6, 2025.

The Calculated Increase

5. The Tenants dispute the Landlord's sought increase and submit that the guideline increase of 2.5% more than covers the increase in municipal taxes and charges of \$402.38.
6. In reply, the Landlord, submits that due to taxes steadily increasing over a period of years, that they "proposed" a rent increase from \$2050.00 to a new rent of \$2,800.00 for the Tenants who all reside on the main floor of the residential complex. I note this represents an increase of approximately 36%.
7. The Landlord cited *Houston v. 530675 Ontario, 2017 ONSC 6419* for the propositions that a Landlord can seek an above guideline increase for municipal tax charges, municipal inspection and licensing fees in that case, and that once the statutory criteria are met and an extraordinary increase is proven, the Board must apply the prescribed calculation to determine the increase as set out in the legislation. Similarly, they cite *Zhou v. Cherishome Living, 2020 ONSC 500* for the proposition that "the Board is expected to rely on its expertise and to apply the statutory calculations faithfully, not to rewrite the scheme or to disregard proven increases."
8. The Landlord submits that the current market rent for the unit in which the Tenants reside is \$3,500.00 monthly and that is a lot more than the requested increase and that divided in three, the Tenants will be paying a lot less than market rent.
9. The Landlord's decision to not pursue rent increases that it may have been permitted to take in the past is not relevant to my decision here. Nor is the fact that unit rents may be below market rent. It is the prerogative of the Landlord to pursue an above guideline increase by applying to the Board. Their decision not to do so has no bearing on this decision.
10. While the parties may disagree about what the allowable increase should be, the Board is a creature of statute and the determination as to whether there was an extraordinary increase in municipal taxes is done by considering the increase between the Reference Year and the Base Year pursuant to s. 19, O. Reg. 516/06. Likewise, the calculated increase is done in accordance with the Rules set out under s. 28, s. 29, and 31 of O. Reg. 516/06.

It is ordered that:

1. The Landlord may increase the rents charged by 0.81% for the unit set out in this Order.
2. The percentage increase set out in paragraph 1 is to be taken within the time period of June 6, 2025, to June 5, 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.

TBD, 2026

Date Issued

Luciella Longo
Member, 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 Landlords 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 Tenants moved in, and if the Landlords have given the Tenants at least 90 days proper Notice of Rent Increase.
2. If the Landlords have given a Notice of Rent Increase for a rent increase that is less than the ordered increase, the Landlords may only take the rent increase set out in the Notice.
3. The annual guideline for 2025 is 2.50% and for 2026 is 2.10%.