



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

File Number: LTB-L-043502-25

In the matter of: 295 Briarhill Avenue, London, Ontario, N5Y 5C9

Between: Norquay Briarhill Properties Ltd. Trustee c/o Landlord
Norquay Property Management Ltd.

And

Refer to attached Schedule 2 Tenants

Norquay Briarhill Properties Ltd. Trustee c/o Norquay Property Management 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.

This application was resolved by written hearing. The Board received submissions from the following Tenants: Carrie Boam, Tiffanie Fournier, and Diana (Samer) Aodicho. A reply to the Tenant submissions was received from the Landlord.

Preliminary Matters:

Request to Amend

1. On, October 28, 2025, the Landlord filed a request to amend the date of the first rent increase noted on page 1 of their application from June 1, 2025 to September 1, 2025. In their request they note that the June 1, 2025 date was noted initially in error.
2. The Tenant, Tiffanie Fournier, submits that because there were no initials next to Landlord's requested amended first effective date, that the requested amendment should therefore be "voided". There is nothing in the Act which would require the Landlord to place their initials beside a requested amendment, so long as the requested amendment and the reflected changes are clear. In this case the Landlord specified their requested amendment to the first effective date in their request filed with the Board on October 28, 2025, with a copy of the application showing the requested amendment in red.
3. I have accepted the Landlord's request to amend as set out above.

It is determined that:

Municipal Taxes and Charges

4. 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).
5. The maximum rent increase above the guideline because of an extraordinary increase in the cost for municipal taxes and charges is 0.50%. This increase is to be taken in the first year.
6. The Certificate of Service filed by the Landlord on December 15, 2025, indicates that some rental units listed in the application were not served with the application and notice of hearing. The LTB 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 unit: 1.
7. The Certificate of Service filed by the Landlord on December 15, 2025, indicates that some tenants listed in the application were not served with the application and notice of hearing. The LTB shall therefore amend the application by removing these tenants. As a result, this order for a rent increase above the guideline under section 126 of the Act does not apply to the following tenants: Shamony David, Sher Bahadur Gurung, Michelle Dale, Daniel Dale, Jase Post, Scott VanderPryt, Riley Borland, Warren (Ty) Hughes, Nawras Soulaka, Sarah, Needham, Younia Malakismail, Matthew Loucks, Brooke McLellan, Hunter DeRidder, Kevin Steele, Charleigh Post, Samuel Cassidy, Christopher Budd, Ashley La Plante, Benjamin O'Brien and Alycia Shufelt.
8. The first effective date of the rent increase above the guideline is September 1, 2025.

Tenancies Entered Into Prior to the Deadline to File

9. The Tenant, Carrie Boam, submits that their rent should have been brought up to market rent when their Tenancy commenced on February 1, 2025. From their submission, I take that they are arguing that the increase should not apply to them because they started their Tenancy after the tax costs were incurred by the Landlord.
10. Pursuant to the subsection 14 of the Act, an Order for a rent increase above the guideline will not apply to Tenancies entered into on or after the deadline to file the application, which is at least 90 days before the first effective date set out in the application. Given that the first effective date of the above guideline increase

for this application is September 1, 2025, making the deadline to apply June 3, 2025, I am satisfied that this Order applies to the Tenant.

Landlord's Right to Apply

11. The Tenant, Tiffanie Fournier, submits that they disagree that they should be required to pay any increase because of taxes. They argue that there are wins and losses when you own a property and that any increase in taxes should not impact Tenants. The Tenant, Tiffanie Fournier, submits that they never received any upgrades to their rental unit, but that maintenance was done in their rental unit.
12. Although the Tenant may feel it is unjust, the Board is a creature of statute charged with applying the law as written. Section 126 of the Act specifically provides that a Landlord may apply for an AGI for an extraordinary increase in the cost for municipal taxes and charges for the residential complex or any building in which the rental units are located. This application does not contain any claimed capital expenditures. The Board cannot stop the Landlord from exercising its right to apply for an above guideline rent increase.

Financial Hardship

13. The Tenant, Diana (Samer) Aodicho, made submissions about financial hardship due to themselves and their partner being on a fixed income.
14. In respect to the Tenant's submission of financial hardship, the Act does not provide the Board with the authority to consider the financial impact on the tenants of an AGI when determining whether a landlord's AGI application should be granted or denied. Pursuant to subsection 205(2) of the Act where the Board makes an order for a rent increase above the guideline and that order is made more than three months after the first effective date of a rent increase in the order, the Board may permit a tenant to pay the Landlord the amount owing in monthly instalments.
15. Pursuant to subsection 205(2) of the Act, given that this order will issue more than three months after the first effective date of the above guideline rent increase herein, I am permitting the Tenant, Diana (Samer) Aodicho, to pay any amounts owing to the date of the order in 4 monthly installments starting 30 days from the issuance date of this Order.
16. As always, if the Landlord is amenable to a longer repayment plan for those Tenants facing financial hardship that remains within the Landlord's discretion.

It is ordered that:

1. The Landlord may increase the rents charged by 0.50% for the units set out in Schedule 1.

2. The percentage increase set out in paragraph 1 is to be taken within the time period of September 1, 2025 to August 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 shall pay to the Tenants any sum of money that is owed as a result of this order within 60 days of the date of this order.
5. The Tenant residing in unit 16 shall pay any amount owing to the Landlord as a result of this order in 4 monthly installments, beginning 30 days from the issuance date of this Order.
6. For all other Tenants, they shall pay to the Landlord any sum of money that is owed as a result of this order within 60 days of the date of this order.

March 31, 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%.

Schedule 1 - Units affected by this Order:

2	6	10	15	19	23	27	31
3	7	11	16	20	24	28	B25
4	8	12	17	21	25	29	B26
5	9	14	18	22	26	30	B27

Schedule 2 - Tenants who are Affected by this Order:

Aodicho, Samer
Barber, Tom
Boam, Carrie
Borland, Ryan
Brydon, Michelle
Cassidy, William
Collar, Brenda
Davidson, Jake
DeRidder, Louis
Flannigan, Teresa
Forrest, Jonathan
Fournier, Tiffanie
Gladu, James
Grimley, Jessica
Gurung, Binu Maya
Gurung, Dhan Maya
Gurung, Rajesh

Holden, Michelle
Isho, Amir
Johnson, Dave
Johnson, Laura
Jones, Janice
Joseph, Camille
Kenehan, Stephen
McKenzie, Robin
McLeod, Charmaine
McSephney-Kenehan,
Nancy
Modesto, Dennis
Pearce, Richard
Post, Charleigh
Post, Janis
Raaymakers, Robert
Raaymakers, Stephanie

Reid, Johann
Robert, Vicky
Soulaka, Albert
Soulaka, Sarkoun
Steele, Lynda
Tchouro, Rita
Thompson, Jessica
Urias, Lorena Patricia
VanderPryt, Shawn
Van Haren, Michael
Vieira, Lainie
Waite, Crystal
Waite, Rami
Wall, Samantha J.
Watkins, Christopher
Webb, Corinne
Webb, Marc