



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

File Number: LTB-L-002328-23-RV

In the matter of: 2520 Barton Street East, Hamilton, Ontario, L8E 3R5

Between: Pat & Dia Ltd Landlord

And

Refer to attached Schedule 2 Tenant

Review Order

Pat & Dia 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 order LTB-L-002328-23 issued on December 15, 2025.

On January 14, 2026, the Landlord requested a review of the order.

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

Determinations:

1. The Landlord submits that the original Member erred in finding that capital expenditures #2 (Elevator Modernization) and #3 (Walkway) are not eligible capital expenditures because the work was not completed during the 18-month period ending 90 days before the effective date of the first intended rent increase referred to in the application. The 18-month window commenced on September 3, 2021.
2. The Landlord relies on the contract signed by the Landlord and Brock Elevator Ltd., the contractor who did the work. The contract, dated October 5, 2020, obliged the contractor to commence the work by June 7, 2021, and attain substantial completion by September 30, 2021. The Landlord also submits that the schedule of monthly payments (installments) to the contractor ending in May 2022 supports the Landlord's position.
3. On the basis of the submissions made in the request, I am not satisfied that there is a serious error in the order.
4. The Member's findings are findings of mixed fact and law (*Emerson v. Themer*, 2007 CanLII 39884 (Div. Ct.)). The Landlord has not shown that there was no evidence to support the Member's finding or that the Member's findings are capricious or unreasonable.

5. The timeframe provided in the contract is consistent with the Member's finding that the work was completed before September 3, 2021. The installment plan is also consistent with a payment plan that provided for payment after the work was completed. The Member correctly noted that the completion date refers to "the actual physical completion of the work, not the date of final billing" (see also *226603 Investments Ltd. v. Lutrario*, [1997] O.J. No. 930 OCJ (Gen Div)).

It is ordered that:

1. The request to review order LTB-L-002328-23 issued on December 15, 2025, is denied. The order is confirmed and remains unchanged.

April 7, 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.

Schedule 2 - Tenants who are Affected by this Order: LTB-L-002328-23

. Vacant
. Vacant
. Vacant
. Vacant
Abdulrah Alsanad
Abid Khan
Ahner Haroon
Ammar Alshallah
Asia Mohammed-Merif
Asifa Jabeen
Baharuddin Sehic
Bassam Alsanad
Bryan-Jaidyn Wilkins
Bui-Ouco Trung
Bunny Chuch
Burbuqe Bajrami
C. Misir
Cheryl Macneill
Chhin Chihem
Cody Huisman
Colin Strehler
Courage Kiadii
David Korolenchuk
Deeyawattie-Devi Basdeo
Denise Gallager
Denise Steen
Duresameen Malik
E. Balagic
E. Durek
Ebele Edochie
Elemari Mahmoud
Elizabeth Scott
Elvin Dizdarvic
Elvira Salihovic
Fahrija Kolmendi
Fatuma-Hashi Ahmed
Fehmidah Vohra
Feriz Muharremi
Frank Richards
G. Mehic
Gaafar Alawi
Galib Qasim
Geraldine Binkle
Ghassan Saad
Hadi Eltimmi
Harnek Singh-Kailey

Hasan Dizdarvic
Hiuen Rouen
Ian Dickey
Ian Wheeler
Ibrahim Hodzic
Ismail Nue
J. Kasum
J. Kljuco
Jalpa Patel
Jamie Garvin
Jemil Hadi
Joanne Henry
Joey Pereira
John & Karen Munroe
John Laplante
John Machado
John Robinson
Joseph Dizdar
K. Marozas
Kanta Devi
Karen Carlos
Katherina Blanco
Khan Musrim
Khon Samnang
Khudhair Hussein
Leonard Whittaker
Linda Jacques
Liridonna-Ahmeti Beka
Lumturie Ahmeti
M. Budak
Mandeep Singh
Marijana Nermin
Miranda Critch
Mirsija Ahmeti
Modupe Onaduja
Mohamed Kassim
Mohammed Kassam
Mohsen Alessaei
Muhammad Pasha
Muhammad-Muddasar Ahmed
N. Kasum
Najat Ali
Neark Yem
Nestor Kozomora
Niresha Falls
P. Fournier
Parminder Kaur

Peter Montour
Q. Brenzinca
Rafi Khan
Rajvir Dhaliwal
Ramandeep Metha
Ray Skeete
Renu Sadiouri
Rohan Sharma
Romesh Nayyar
S. Bourgeois
Salih Kadic
Sanije Mahmuti
Sanjay Surani
Sarah Hines
Saring Danh
Savy Chhoum
Senada Sehic
Shabbir Ahmed
Shannon Hansen
Sher Singh
Sikander Singh-Dhillon
Simalis Kong
Singh Gurkirat
Som Ok
Sonely Sen
Stuart Boulton
Sultan Malik
Summer Hanlon
Surinder Nayyar
Sylvie Labelle
Tach Thi-Hanh
Tejas Mavani
Thanh Nghiuyen
Theodore Neptune
Thone Thach
Tina Tassone
Tirmizi Syed
Tony Pravith
Victoria Chihab
W. Dabydeen
Waqar Ahmed
Yaser Alshami
Z. Mulic
Z. Selimbasic
Zanko Bartula
Zienab Magzoub

Zubair Khan
Zylka Curri