



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

File Number: LTB-L-100984-25

In the matter of: 366 Oxford Street, London, Ontario, N6H 1T3
368 Oxford Street, London, Ontario, N6H 1T4

Between: Capreit Limited Partnership Landlord

And

Refer to attached Schedule 2 Tenants

Capreit Limited Partnership (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 Landlord and the Tenants: David Wyatt, Stephen Lambrecht, and Stephanie Howard. The Landlord replied to the Tenants. Any submissions from the parties received past the deadline for submissions set out in the Notice of Hearing were not considered.

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 0.33%. This increase is to be taken in the first year.
3. The Certificate of Service filed by the Landlord on December 10, 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 units: 207, 508 and 703 at 368 Oxford Street.

4. The first effective date of the rent increase above the guideline is March 1, 2026.

Maintenance

5. Tenants, David Wyatt, Stephen Lambrecht, and Stephanie Howard, submit, with photographic evidence, maintenance issues which they argue should result in a dismissal or the Landlord's application. These issues are as follows:
 - a. Cracks in bedrooms, living room, and kitchen - ceilings and walls.
 - b. Wall finish damaged due to frost coming through the wall during winter months.
 - c. Thirty-year-old kitchen cabinets.
 - d. Peeling paint on living room wall.
 - e. Must run bedroom heater to keep a stable temperature.
 - f. Takes too long for maintenance issues to be resolved.
 - g. Tub leaking hot water for years before fixed.
 - h. Water damaged wall repairs took time to complete.
 - i. Light fixture and/or light bulb took long to address.
 - j. Garbage disposal issues.
 - k. Building cleaner not wearing a mask when cleaning, sweeping floors instead of vacuuming, elevator "never looks properly wiped down", no wet signs up causing a safety concern.
 - l. Maintenance personnel – advised Tenant to call the building to deal with furniture left at the front of the building covered in bed bugs.
 - m. Laundry room not cleaned properly.
 - n. Timeliness to complete maintenance issues and workmanship complaints.
 - o. Building signs – lights burnt out, blocked from the trees.
 - p. Exhaust in bathroom and hot shower that sets off fire alarm.
 - q. Flaking wall paint in public areas.
 - r. Old cars "left to rot" in parking spots for months or years.
 - s. Pipes often burst in the lobby ceiling area falling down.
 - t. Tree limbs not trimmed and falling during windstorms.
6. Subsection 126(12) of the Act refers to serious, ongoing breaches of the Landlord's maintenance obligations. I am not satisfied that maintenance issues raised by the Tenants, even if they remain outstanding, would rise to the level of a serious breach of the Landlord's maintenance obligation. A disrepair problem that is not "serious" as that term is used under the Act is not relevant to these proceedings. However, the Tenant(s) is entitled to file their own applications at the Board in respect of these issues.

The Landlord's Right to Apply and Out of Scope Submissions

7. The Tenant, Stephanie Howard, made submissions about matters which, while I understand are important to the Tenant, are not matters which the Act permits me to consider on the hearing of this application. The issues raised by the Tenant which are not relevant to my findings here are as follows:
 - a. Loss of amenities – such as a pool closure.
 - b. No notice from the Landlord for the painting of Tenant's door.
 - c. Safety concerns including other Tenants kids playing in the parking lots, leaving bikes, pool access and dangers to children accessing the area, and a child throwing items off of a balcony.
 - d. Contractors parking in Tenant parking spots and Tenants parking in visitors parking lot.
 - e. Maintenance personnel - has master keys but "says he doesn't work for the company", doesn't keep dog on leash.
 - f. Another Tenant "stealing hydro from the laundry room" – photograph included.
 - g. Tenants never advised how to use swipe system in laundry room.
8. The Tenant, David Wyatt, submits that there have never been any improvements to the building since 1999.
9. Although the Tenants 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. The Landlord has not claimed any capital expenditures in this application. The Board cannot stop the Landlord from exercising its right to apply for an above guideline rent increase.

Financial Hardship

10. The Tenant, David Wyatt submits that they have not been able to work full time due to recent medical issues and that the Board should consider financial hardship to Tenants caused as a result of any increase granted.
11. 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 above guideline increase when determining whether a Landlord's above guideline increase application should be granted or denied.

It is ordered that:

1. The Landlord may increase the rents charged by 0.33% 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 March 1, 2026, to February 28, 2027.
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.

April 7, 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 2026 is 2.10%.

Schedule 1 - Units affected by this Order:

366 Oxford Street, London, Ontario, N6H 1T3

101	105	110	204	208	302	306
102	106	201	205	209	303	307
103	107	202	206	210	304	308
104	108	203	207	301	305	309

368 Oxford Street, London, Ontario, N6H 1T4

101	202	302	401	408	507	607	708
102	203	303	402	501	601	608	
104	204	304	403	502	602	701	
105	205	305	404	503	603	702	
106	206	306	405	504	604	704	
107	208	307	406	505	605	705	
201	301	308	407	506	606	707	

Schedule 2 - Tenants who are Affected by this Order:

Abraham, Akbaret	Durham, Laura	Nickles, Joan
Aandemical	Elewa, Hala	O'connor, Brenda
Ahlstrom, Kyle	Eng, Simon Lam	Pena, Delio Perez
Ahmadzai, Allahmohammad	Farah, Kalson Aden	Perez, Yeimy
Alali, Daham	Ferreira, Antero	Pitt, Jason
Al Alloun, Hassan	Fesha, Zafu Gebresedkan	Pitt, Rebecca
Alalloun, Zakia	Flandorffer, Andres	Primeau, Wayne
Al Aloun, Amira	Fleming, Gail	Rajan, Litty
Aldana, Mileidy	Garcia, Arnoldo	Ramos Junior, Elson Pereira
Alkassem, Rama	Garcia, Juan Carlos	Reardon, Tom
Almuallem, Musa Saji	Garcia, Magiver	Reddy, Arla
Almuallem, Najah	Grant, Sherry	Reynolds, George
Mohammad	Hammoud, Mariam	Reynolds, Sue Ann
Al Othman, Batoul	Henry, Donovan	Riddell, Mark
Alvarez, Johan	Howard, Stephanie	Rivera, Edwin Eliseo Hurtado
Anowara, Begum	James, Rebecca	Scherer, John
Antone, Sue Anne	James, Thomas	Showers, Lori
Ashour, Nasser	James, Valerie	Silvestro, Frank
Babu, Binu	Kabel, Gerry	Smibert, Alice
Barrios, Martha R.	Kane, Jeanne	Smith, Aaron
Boateng, Osei-Poku	Kane, Wayne	Smith, Erik
Boyd, Michael	Lambrecht, Stephen	Smith, Samuel
Boyd, Nancy	Leavey, Marlene Anne	Swesi, Hisham
Boyd, Zachary	Leddy, Liam	Tamasko, Maria
Brebish, Darin	Louttet, Kimberly	Teams, Debbie
Bwamutala, Jenny Samba	Lovett, Linda	Torres, Erika
Caratt, Jose	Majidah, Juhar	Tusabe, Fonsine
Casey, Venessa	Marsh, Joshua	Wari, Gor Kojai Shin
Chiarato, Walter	Marsh, Rodger	Warren, Shirley
Corsaut, Colleen	Moore, Anthony	Watson, Taylor
Cronier, Pamela	Mulaw, Roza Haile	Wayner, Barb
Daggetti, Valter	Murphy, Karleigh	Whitley, Christopher
Daye, Jesse Bobby Bear	Murphy, Marie	Wyatt, David
De/Alvarez, Leonor Riay	Murphy, Steve	Yallicuna, Marcos
Delorey, Betina	Murray-Marshall, Mary	
De Los Rios, Elizabeth	Newman, Georgina	