



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

File Number: LTB-L-001500-25-RV

In the matter of: 58 Walton Street, Port Hope, Ontario, L1A1N1

Between: Firm Capital Realty Partners Inc. Landlord

And

Refer to attached Schedule 2 Tenant

Review Order

Firm Capital Realty Partners 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-001500-25 issued on December 11, 2025.

On January 9, 2026, the Landlord requested a review of the order.

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

Determinations:

1. The Board dismissed the Landlord's application because it did not meet the requirements of the *Residential Tenancies Act, 2006* and *Ontario Regulation 516/06*. Specially, the Base Year chosen by the Landlord did not meet the definition of "Base Year" in section 19(1)(a) of the Regulations.
2. The Member held that:

...there is no provision in the Act or in the Landlord and Tenant Board Rules of Procedure which supports that when counting days under s. 19(1)(a) of O. Reg. 516/06, that holidays should be excluded. Further, s. 89(1) of the *Legislation Act, 2006* is not of assistance to the Landlord, since the counting of days is a formula used to calculate the earliest date a rent increase can take effect, it is not a "time limit that would expire" such as when a document should be filed.
3. The Landlord submits that the Member made a serious error in finding that s. 89(1) of the *Legislation Act, 2006* does not apply. Sections 46 and 47 of the *Legislation Act*, read together, provide that s. 89(1) of the *Legislation Act* applies to every Act and regulation unless a contrary intention appears in the Act or regulation. The Landlord contends that there is no contrary intention in the RTA or the Regulation.

4. The Landlord further submits that it was procedurally unfair to dismiss the application without giving the Landlord the opportunity to amend the effective date of the first intended rent increase (FED), which is central to the definition of “Base Year.”
5. On the basis of 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.
6. The LTB will not exercise its discretion to review an order interpreting the RTA unless the interpretation conflicts with a binding decision of the Courts or is clearly wrong and unreasonable (Guideline 8 of the *LTB Interpretation Guidelines*; *Browne v. Henley Crescent*, 2026 ONSC 455). None of these grounds apply. The Member’s interpretation of the RTA and Regulation 516/06 is reasonable.
7. The Board’s deficiency letter, dated October 16, 2025, gave the Landlord the opportunity to amend the FED in the application, but the Landlord chose not to. The Landlord insisted on April 1, 2025, as the FED and made no submission in the alternative. The Landlord cannot litigate in a piecemeal fashion. The purpose of the review process is not to provide the parties with an opportunity to present a better case than they did at first instance or to adopt a different litigation strategy.

It is ordered that:

1. The request to review order LTB-L-001500-25 issued on December 11, 2025, is denied. The order is confirmed and remains unchanged.

April 8, 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-001500-25

Alison Poole
Clare Paterson
Kailin Wenchel
Kallan Einarsson
Navraj Kaur
Thomas Paterson
Yuraj Singh Sidhu