



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

**File Number:** LTB-L-097351-23

**In the matter of:** 368 Luella Street, Kitchener, Ontario, N2H 2J4

**Between:** GF II 368 Luella Street Ltd. Landlord

**And**

Refer to attached Schedule 2 Tenants

GF II 368 Luella Street 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.

A Case Management Hearing took place by videoconference on February 5, 2026.

The following parties attended the hearing: The Landlord's representatives, Patty Duwyn and Kiel Baker, the Landlord's agents, Bart Bortkiewics, Ashley Archer, William Wang, Greg Wills and Nicole Roblin, and the Tenants for units A4, B25, B26, C29 and C38.

The Certificate of Service filed by the Landlord on January 6, 2026, indicates that one rental unit listed in the application was not served with the application and notice of hearing. The Board shall therefore amend the application by removing this rental unit. As a result, this order for a rent increase above the guideline under section 126 of the Act does not apply to unit B18.

**At the Case Management Hearing the parties agreed to the following:**

***Claim for Capital Expenditures:***

1. The maximum rent increase above the guideline because of capital expenditures is 0.96%. This increase is for the following capital expenditures:
  - a. Control Entry & Security System; and
  - b. Plumbing Fixture Retrofit.
2. Where the Landlord's application requests an increase of 1.19%, the maximum increase above the guideline for these units is 0.96%. This increase is to be taken in the first year.

3. The weighted useful life for the capital expenditures is 15 years.
4. The first effective date of the rent increase above the guideline is March 1, 2024.
5. The Landlord agrees to waive any and all retroactive amounts that may come due or payable as a result of the authorized rent increase for all Tenants in the residential complex.
6. The parties agree that the rent increase authorized in this Order on Consent will take effect on April 1, 2026.

**On consent of the parties, it is ordered that:**

1. The Landlord may increase the rents charged by 0.96% for the units set out in Schedule 1.
2. The percentage increase set out in paragraph 1 is to be taken as follows:
  - a. The Landlord may increase the rents charged by 0.96% within the time period of March 1, 2024 to February 28, 2025.
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 10, 2026**  
**Date Issued**

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**Ryan Gacnik**  
Hearings Officer, 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 Landlord 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 tenant moved in, and if the landlord has given the Tenant at least 90 days proper Notice of Rent Increase.

2. If the Landlord has given a Notice of Rent Increase for a rent increase that is less than the ordered increase, the Landlord may only take the rent increase set out in the Notice.
3. If the Tenant's rent is increased pursuant to the percentage increase ordered for capital expenditures and the same Tenant remains in the unit after the expiration of the weighted useful life for capital expenditures, then the rent will be reduced. Refer to Schedule 3 for information about the date and amount of the rent reduction.
4. The annual guideline for 2023 is 2.50%, for 2024 is 2.50%, for 2025 is 2.50% and for 2026 is 2.10%.

**Schedule 1 - Units affected by this Order:**

368 Luella Street, Kitchener, Ontario, N2H 2J4

A10

A11

A12

A13

A14

A15

A16

A2

A4

A5

A6

A7

A8

A9

B17

B19

B20

B21

B22

B23

B24

B25

B26

B27

C29

C30

C31

C33

C34

C36

C37

C38

**Schedule 2 - Tenants who are Affected by this Order:**

Asfaha, Endrias  
Asfeha, Aryam  
Aubrey, Andrew  
Awed, Huruy  
Bender, Bonita  
Chiasson, Claude  
Crouse, Suanne  
Dmam, Lukas K.  
Doiron, Diane  
Duquette-Uebele, Kassandra  
Fadega, Dige Kifle  
Faust, Kyle  
Gaber, Tsian Adala  
Hagos, Beyin Haste  
Haile, Marhawi Hanes  
Hailu, Alula  
Jones, Gretchen  
Kahal, Feshaye  
Kreuger, Benjamin  
Le, Angela  
Malik, Fitsum  
McIlveen, Lori Anne  
Miller, Danielle  
Nasa, Emanuel M.  
Offord, Amber  
Okbaledet, Teklom  
Popovic, Slobodan  
Porter, Kate  
Russworm, Calvin  
Slavik, Chris  
Thang, Van  
Traynor, Diane  
Weldelasie, Anday Aray  
Weldesius, Rezene  
Zemmouri, Ali

### **Schedule 3 - Rent Reduction related to Capital Expenditures**

#### **A. Date of Rent Reduction**

**If the Tenant's rent is increased based on capital expenditures during the period 2024 then:**

The date of the rent reduction will be the day before:

- the date of the Tenant's first rent increase under this order, plus
- the number of years for the weighted useful life for capital expenditures for the unit (set out in this order).

*Example:*

*If the Tenant's rent was increased on June 1, 2021 and the weighted useful life for capital expenditures is 10 years, then the rent will be reduced on May 31, 2031.*

**If the Tenant's rent was *not* increased based on capital expenditures during the period 2024 but was increased during the later periods set out in the order then:**

The date of the rent reduction will be the day before:

- the First Effective Date of Rent Increase in this order, plus
- the number of years for the weighted useful life for capital expenditures for the unit (set out in this order).

*Example:*

*If the first effective date of increase in this order is April 1, 2021 and the weighted useful life for capital expenditures is 10 years, then the rent will be reduced on March 31, 2031.*

#### **B. Amount of Rent Reduction**

**If the Tenant's rent is increased by the total percentage increase set out in this order then:**

The rent must be reduced by the total percentage increase set out in this order for capital expenditures.

**If the Tenant's rent is *not* increased by the total percentage increase set out in this order then:**

The rent must be reduced by an amount determined in accordance with the prescribed rules which may be equal to or less than the total percentage increase set out in this order for capital expenditures.