



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

**File Number:** LTB-L-083404-24

**In the matter of:** 36 Freeborn Avenue, Brantford, Ontario, N3S 7J1

**Between:** 2247211 Ontario Limited Landlord

**And**

Refer to attached Schedule 2 Tenants

2247211 Ontario Limited (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 January 21, 2026.

The following parties attended the hearing: The Landlord's Legal Representatives, Patty Duwyn, Kiel Baker, the Landlord's Agent, John Ratelle and the Tenants from unit 508 and 608.

The Certificate of Service filed by the Landlord on December 19, 2025, indicates that some rental units listed in the application were not served with the application and notice of hearing. The Board 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: 105, 209 and 605.

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

1. The maximum rent increase above the guideline because of capital expenditures is 2.36%. This increase is for the following capital expenditure:
  - a. elevator modernization.
2. The increase above the guideline is 2.36% as claimed in the Landlord's application. 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 January 1, 2025.

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

1. The Landlord may increase the rents charged by 2.36% 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 2.36% within the time period of January 1, 2025, to December 31, 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 30 days of the date of this order.

**April 13, 2026**  
**Date Issued**

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**Roxanne Theriault**

Dispute Resolution 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. Any part of the ordered increase that is not taken within the time period specified cannot be added to subsequent rent increases in subsequent time periods.
2. If the Landlord has given the Tenant 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 2025 is 2.5%.

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

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610

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

Anto, Amith  
Athappilly, Midhun  
Aulsebrook, Patrick  
Banouvong, Manichanh (Minnie)  
Bourget, Tom  
Butler, Joseph  
Butler, Sinead  
Cutler, Betty  
Dalton, Cheryl  
Davison, Dennis  
Decelle, Gregory  
Eames, Michael  
Gaze, Kyle  
Gingrich, Eugene  
Greentree, Linda  
Hammersley, Mark  
James, Cleveland  
Lemky, Peggy  
Loomes, Meghan  
Macewen, Scott  
Marsh, Allan  
Martisius, Megan  
Mcburney, Jo-Anne  
Mcburney, Steven  
Mcdonald, Tanya  
Mcinnis, Diane  
Mcintyre, Deborah (Deb)  
Mcintyre, Harry James (Jim)  
Miller, Robert  
Stephen, Libina  
Varghese, Eldho (Paul)  
Vidac, George  
Welsh, Mike  
Welsh, Ursula  
Whittingham, George  
Wilson, Barbara

### **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 2025 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 the 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 2025 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 the 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.