



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

File Number: LTB-L-090961-25

In the matter of: 505 Locust Street, Burlington, Ontario, L7S 1X6

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 Tenant; Penelope Halford – Unit 611. The Landlord replied to the tenant.

It is determined that:

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 0.43%. This increase is to be taken in the first year.
3. I have accepted the Landlord’s amended application filed with the Board on November 6, 2025.
4. The Certificate of Service filed by the Landlord on November 26, 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: 1005, 1007 and 1206.

5. The Certificate of Service filed by the Landlord on November 26, 2025, indicates that some tenants listed in the application were not served with the application and notice of hearing. The LTB shall therefore amend the application by removing this tenant; Abdulkadir Morel.
6. The first effective date of the rent increase above the guideline is February 1, 2026.

The Calculated Above Guideline Rent Increase and Supporting Documents

7. The Tenant residing in Unit 611 submits that the Landlord's sought increase should be the burden of the Landlord and not passed onto Tenants. They made submissions seeking clarification about the Landlord's sought increase, their supporting documents, and information about how the increase is calculated.
8. Although the Tenant 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 Board cannot stop the Landlord from exercising its right to apply for an above guideline rent increase.
9. The Board considers whether there was an extraordinary increase in municipal taxes, as described in this Order above, and calculates the increase in accordance with the Rules set out under s. 29 of O. Reg. 516/06.
10. In an application for an above guideline increase due to an extraordinary increase in municipal taxes, the Landlord must provide evidence of their final tax amounts owing for the Reference and Base Year, and proof of payment.
11. The Landlord filed their Certificate of Service on November 26, 2025, noting that the Tenant was served the Notice of Written Hearing package which also contains their application, on November 13, 2025 which I note included their supporting documents being their final tax amounts owing and proof of payment. There is no evidence before me that the Tenant did not receive the Landlord's supporting documents and if they did not, that they made a request to the Landlord that they be provided.

Maintenance and Out of Scope submissions

12. The Tenant residing in Unit 611 submits that there are maintenance issues which they argue, support that the Landlord's application should be dismissed. These issues include elevators not working for weeks at a time, flooding in the laundry area, and substandard heating and cooling.
13. 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 Tenant, even if they remain outstanding, would rise to the level of a serious breach of the Landlord's maintenance obligations. 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.

14. The Tenant also raised that there is a lack of security at the residential complex. While I understand this issue is important to the Tenant, this is not an issue which the Act permits me to consider on the hearing of this application.

It is ordered that:

1. The Landlord may increase the rents charged by 0.43% 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 February 1, 2026, to January 31, 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 15, 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:

505 Locust Street, Burlington, Ontario, L7S 1X6

201	305	409	602	706	810	1003	1109
202	306	410	603	707	811	1004	1110
203	307	411	604	708	901	1006	1111
204	308	501	605	709	902	1008	1201
205	309	502	606	710	903	1009	1202
206	310	503	607	711	904	1010	1203
207	311	504	608	801	905	1011	1204
208	401	505	609	802	906	1101	1205
209	402	506	610	803	907	1102	1207
210	403	507	611	804	908	1103	1208
211	404	508	701	805	909	1104	
301	405	509	702	806	910	1105	
302	406	510	703	807	911	1106	
303	407	511	704	808	1001	1107	
304	408	601	705	809	1002	1108	

Schedule 2 - Tenants who are Affected by this Order:

Agro, Mark	Gallagher, Lynn	Miles, Liam
Aubin, Brian	Gillanders, Robert	Miller, Gail
Badard, Nicole	Giosanu, Roberta	Miskiqi, Liridon
Bailey, Bret	Godin, Emile	Mitchell, Gary
Bains, Navjot	Grad, Sandra	Morris, Brian
Beaudoin, Nicholas	Grice, Linda	Morris, Noelle
Beavan, Nancy	Guidi, Franca	Muir, Scott
Bedard, Felix	Guidi, Guido	Murray, James
Bird, Lawrence	Haiko, Christopher	Murray, Preston
Bird, Lillian	Halford, Penelope	Neilson, Kevin
Birdsell, Kyla	Halford, Richard	Norwood, Russell
Bishop, Anne	Harris, Peri-Lynn	O'brien, Daniel
Black, Elaine	Henne, Bruce	O'brien, Joan
Bojman, Kerri	Hewitt, Else	O'grady, Janet
Bonazzo, Howard	Hosick, Leslie	O'grady, Michael
Borsellino, Jessica	Jobe, Robert	Owen, Leonard
Bray, Andrew	Kaye, Irene	Owen, Mary
Burrows, Tessa	Kee, Michael	Pamplin, Jenna
Cameron, Christina	Keller, Gregory	Petersen, Evelyn
Charles, Simpson	Keller, Lucille	Peterson, Christopher
Chiasson, Paula	Kim, Heesook	Peterson, Sarah
Chiasson, Thomas	King, Patrick	Pisecny, Adam/Louis
Ciceklic, Mania	Kish, Edit	Poisson, Bernice
Coates, Valerie	Kish, Zoltan	Poisson, Paul
Daly, Andrea	Kosalka, Marcin	Prescott, Michael
Daly, Patrica	Kosterewa, Tyler	Pulevski, Ivan
Davison, Donna	Krasniqi, Liridona	Quintero, Leonida
Deshane, Rebecca	Kurkiewicz, Marek	Veronica
Dolan, Arlene	Leahy, Shelley	Ramdx, Wood
Doran, Michael	Leclair, Philip	Reed, Karen
Drye, Paul	Leclair, Ray	Riley, Shirley
Dunn, David	Lee, Yeon H	Roach, Stanly
Eddie, Evelyn Joan	Lem, William	Roach., Sandra
Fasullo, Adrienne	Lilley, Adam	Severhina, Olena
Faure, Michael	Little, Beverley	Shaikh, Shahanila
Fensel, Anne	Lively, Heather	Shaikh, Shoaib
Fensel, John	Macintyre, Sheryl	Shaikh, Waseem
Fera, Diane	Mackenzie, Alistair	Shillinglaw, Jean
Fera, Joseph	Malatich, Sharon	Slomczewski, Catherine
Fernandes, Elaine	Marks, Marlene	Slomczewski, Richard
Filip, Joanna	Marshall, Louise	Smith, Elizabeth
Findlay, Rob	Mcconnell, Janis	Sondola, Shannon
Francis, Margaret	Mccowan, Alasdair	Stevenson, Jeanette
Freund, Sherril	Medlock, Gregory	Sturtridge, Jonathan

Styles, Wendy
Susan, Pendergast
Sutton, Taylor
Szymankiewicz,
Boguslaw
Teggart, Jacqueline
Tennier-Bond, Debra
Terry, Margaret
Terzic, Ana

Townshend, William
Tuck, Maryellen
Van Den Breemen,
Wayne
Varrasso, Robert
Verbickas, Vida
Vidito, David
Vidito, Romona
Vidito, Victoria

Ward, Renee
Wells, Duncan
Westfield, Neil
White, Christopher
Williams, Holly
Wilson, Gregory
Woroz, Jennifer
Woynillowicz, George