



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

File Number: LTB-L-090405-25

In the matter of: 501 Wilkins Street, London, Ontario, N6C 5G2

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 Tenants: Esther Mutua – Unit 502, Victoria Solaka – Unit 515, Jacqueline Godwin – Unit 518, Wes Squires – Unit 602, Cristian Andres Rueda Prada – Unit 812, Dayan Andrea Higuera Pina – Unit 812, Eduardo Guerrero Espitia – Unit 915, Jenny Rueda Prada – Unit 915, Daniel Azevedo – Unit 917, Katherine C. Russell – Unit 1007, Debbie Smith-Blackburn – Unit 1204, and Irene Namande Luwaga – Unit 1207. The Landlord filed their reply submissions to the Tenants.

Preliminary Matters:

Procedural Fairness

A. Notice of Hearing Package

1. The Tenant residing in Unit 602 submits that when they received the Notice of Hearing package, the pages were not subsequently arranged, “key sections were disorganized”, and portions were “unclear or partially illegible due to crooked photocopying”. The Tenant submits that this made it difficult to prepare a timely and informed response and created an avoidable barrier to participating impacting on procedural fairness of these proceedings.
2. In reply, the Landlord submits that the application package was served as required under the legislation and that they are unaware of any issues with the application package itself or for any request for an extension by the Tenant due to any accessibility issues.

3. There is no evidence before me that the Tenant made a request to the Landlord for any documents in the package that the Tenant submits were illegible, disorganized, and unclear. I received no submissions from any other Tenants concerning the legibility of any document in the Notice of Hearing package. I note that the Tenant was able to file their submissions which included their documentary evidence on the Landlord's application by December 30, 2025, two days before the Tenant's deadline for submissions, being January 1, 2026. I have reviewed the Landlord's application and supporting documents and find them to be legible.

B. Seeking Accommodations

4. The Tenant residing in Unit 1204 submits that some Tenants in the building do not speak English and have no idea about the documents they received and may be fearful of being evicted.
5. Tenants are not prevented from participating due to potential language barriers. The Landlord filed their Certificate of Service on December 2, 2025, which provides that the affected Tenants were served with the Notice of Hearing Package on November 21, 2025 by placing the documents under the door of the rental unit or through a mail slot in the door. That package contained a document entitled "Accommodation Request" which provides that a party concerned about their ability to participate may seek an accommodation so that they may fully participate in the hearing process. Notwithstanding the Tenant's submission, no Accommodation Requests were filed with the Board by any of the affected parties. As such, I can make no findings here.

It is determined that:

6. 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).
7. The maximum rent increase above the guideline because of an extraordinary increase in the cost for municipal taxes and charges is 0.41%. This increase is to be taken in the first year.
8. The Certificate of Service filed by the Landlord on December 2, 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: 204, 208, 313, 506, 712 and 906.

9. The first effective date of the rent increase above the guideline is February 1, 2026.

Allocation of the Increase

10. The Tenant residing in Unit 1007 submits that the Landlord has not provided unit-specific justification for their sought increase. They submit that the Landlord has not demonstrated that the sought increase has been fairly allocated across individual rental units “in a multi-roll complex”, or if there are portions of the increase that resulted from reassessments, corrections, or timing differences.
11. There is no evidence before me that there were any reassessments for the Final Tax Bills for each Reference and Base Years. For clarity the Board considers whether there was an extraordinary increase in municipal taxes, as described in this Order below, and calculates the increase in accordance with the Rules set out under s. 29 and s. 31 of O. Reg. 516/06.
12. In brief, the rules calculate the increase based on the total rent revenue of all units in the residential complex and then each unit is allocated a portion of the increase. Only affected units will actually receive the notice of rent increase.

The Calculated Increase – Out of Scope Considerations

13. The Tenant residing in Unit 1007 submits that the Landlord’s application should be denied because the Landlord has not demonstrated any arrears, unpaid balances, and has a credit balance extending to June 1, 2025.
14. The Tenant residing in Unit 502 submits that the Landlord provided no evidence of “extraordinary taxes”.
15. For clarity, the Landlord is required to submit their proof of costs and proof of payment of the municipal taxes for both Reference and Base Years. A Landlord would not be permitted to seek an increase due to an extraordinary increase in municipal taxes and charges if they could not demonstrate that they paid their tax bills that form the basis of their application. I am satisfied that the Landlord has submitted the required tax bills and proof of payment in support of their application.

Maintenance

16. Tenants residing in units 602, 1007, 1204 submit, some with documentary and photographic evidence, that there are maintenance issues which they argue, support that the Landlord’s application should be dismissed. These issues are as follows:
 - a. The windows in Unit 1007 have been leaking severely for several years.
 1. Water enters the unit during rainfall and snowmelt.

2. The mattress within the unit has repeatedly absorbed water and shows visible water damage.
 3. Water pools inside the unit and freezes during winter months, creating sheets of ice on the interior side of the windows.
 4. Allegations of mold has formed as a result of prolonged and unresolved moisture intrusion.
 5. Lack of Landlord responsiveness to issues raised.
 6. Despite assurances from the landlord, the windows have not been replaced.
 - b. Unclean laundry facilities where machines are frequently out of service.
 - c. Parking garage main door providing access does not lock creating safety concerns (vehicle has been broken into and damaged among other issues) including lack of responsiveness by the Landlord or willingness to review CCTV footage.
 - d. A malfunctioning main entrance buzzer panel that emits a continuous beeping sound due to an apparent defect.
 - e. An unresolved ant infestation.
 - f. Uncleaned carpets (photographs included).
 - g. Tenants getting stuck in snow due to lack of snowplowing.
 - h. Kitchen floor requested repairs have not been addressed.
 - i. Concerns about poorly sealed windows.
 - j. handicap-accessible entrance button has been broken for months.
 - k. Insufficient garbage and waste stations around the property, pet waste left.
 - l. Common areas not cleaned regularly.
 - m. Damaged fob readers.
 - n. Doors that do not self-close.
 - o. Ceiling tiles have been off for 3 weeks causing bats to come in.
 - p. That there were previous LTB Orders concerning maintenance where a rent abatement was awarded.
17. In reply, the Landlord submits that in many cases it was difficult to determine whether the maintenance concerns were brought to the attention of the Landlord or whether the maintenance issues raised were current and ongoing. They submit that the parking garage doors are in working condition and have no issues closing. They submit that the laundry room maintenance was never brought to their attention but that they will inspect the facilities and address any unsanitary issues. They submit the buzzer sounds at the front of the building have been resolved. They submit that they will inspect and rectify any issues with the 10th floor garbage chute door although no maintenance requests were submitted to them. The Landlord submits they addressed the in unit ant infestation issue raised and have not had any further requests. Lastly, the Landlord submits that

any CCTV footage is provided to police to undertake investigations and not available on a Tenant's request to review.

18. 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 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.

Validity of Notice of Rent Increase

19. Tenants residing in Units 502 and 602 made submissions questioning the validity of their Notice of Rent Increase form (N1 Form).
20. The validity of the Notice of Rent Increase forms (N1 form) the Tenants received or allegations of unlawful rent increases are not issues that the Board can consider under this application and is therefore not relevant to these proceedings. However, for the sake of clarity and the benefit of the parties, I note that s. 32(1) of the Regulation says the guideline rent increase "may only be taken within 12 months of the first intended rent increase referred to in the application for a rental unit in the residential complex". In other words, if the first effective date on the application is February 1, 2026, a notice of rent increase that includes the above guideline increase must be served at least 90 days in advance of the effective date of the notice of rent increase and the effective date must be between February 1, 2026 and January 31, 2027. Where a landlord serves only a guideline notice of rent increase in the relevant 12-month period, that landlord would not be entitled to the above guideline rent increase because of s. 32(1) of the Regulation and s. 116(1) of the *Act*. If the Tenants believe there has been an illegal increase they are entitled to file their own applications at the Board in respect of these issues but must do so no later than one year after the rent increase came into effect.

Out of Scope submissions

21. The Tenants residing in Units 502, 515, 602, 1007, Unit 1207 made submissions on matters which, while I understand are important to the Tenants, 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. That the Tenant believes that the annual rent increase guideline amount already covers ordinary, predictable, and foreseeable increases in operating costs including municipal taxes.

- b. That the Landlord has not demonstrated any financial hardship and did not require the rent revenue to meet their municipal tax obligations.
 - c. That the Landlord has not paid interest on the last month's rent which may be the case for other Tenants as well.
 - d. That the Landlord has not made "meaningful improvements to the building" and that the Landlord has not done any capital improvements.
 - e. The Landlord's sought renewal of a Tenancy Agreement listing new rental amounts and not mentioning that they were seeking an above guideline rent increase.
22. 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. This application does not contain any claimed capital expenditures. The Board cannot stop the Landlord from exercising its right to apply for an above guideline rent increase.

Financial Hardship

23. The Tenant residing in Units 501, 502, 812, 915, 917, 1204, 1207, submits that the Board should consider financial hardship to Tenants caused as a result of any increase granted due to reasons such as the rising costs of living, being on a fixed income and in a single income household, and being fearful of challenging the increase for fear of eviction.
24. 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 0.41% 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:

501 Wilkins Street, London, Ontario, N6C 5G2

101	214	405	916	1106	1214	610	801
102	215	406	917	1107	1215	611	802
103	216	407	918	1108	1216	612	803
104	217	408	1001	1109	1217	613	804
105	218	409	1002	1110	1218	614	805
106	301	410	1003	1111	507	615	806
107	302	411	1004	1112	508	616	807
108	303	412	1005	1113	509	617	808
110	304	413	1006	1114	510	618	809
112	305	414	1007	1115	511	701	810
114	306	415	1008	1116	512	702	811
115	307	416	1009	1117	513	703	812
116	308	417	1010	1118	514	704	813
117	309	418	1011	1201	515	705	814
118	310	501	1012	1202	516	706	815
201	311	502	1013	1203	517	707	816
202	312	503	1014	1204	518	708	817
203	314	504	1015	1205	601	709	818
205	315	505	1016	1206	602	710	901
206	316	909	1017	1207	603	711	902
207	317	910	1018	1208	604	713	903
209	318	911	1101	1209	605	714	904
210	401	912	1102	1210	606	715	905
211	402	913	1103	1211	607	716	907
212	403	914	1104	1212	608	717	908
213	404	915	1105	1213	609	718	

Schedule 2 - Tenants who are Affected by this Order:

Abouelnaaj, Ayman	Cameron, Esther Mary	Galvez, Fernando
Abushammala, Abdalkarim	Cano, Lida Rocio	Garon, Elicia
Acosta, Ruben	Cano, Rodolfo Alejandro	Genest, Monica
Acosta, Santiago	Tovar	Gerow, Cole
Alagailo, Maher Hamad Ali	Carillo, Camila Natalia Parra	Gervais, Chris
Alain, Carole	Carillo Romero, Ruth Nely	Gill, James
Alexander, Dayana	Carone, Deborah	Gilliard, Tamara
Aljamal, Issa	Carter, Tabitha	Giraldo, Felix
Alkashak, Fouad	Catama, Julio Hernan Parra	Gnai, Sharinaz Bucker
Alkiswani, Abdullah	Chase, Leroy	Godwin, Jacqueline
Allen, Karen	Chase, Sandra	Gomez, Keila
Almito, Zina Hasean Rasho	Cloutier, Lacey	Goody, Timothy
Almohamad, Aicha Mustafa	Colby-Robbins, Richard	Graham, Jacob
Altatanchi, Layla Idrees	Conium, Jamie	Gray, Melissa
Alturkmani, Alaa	Conner, Drake William	Gray, Michael
Alturkmani, Ammar	Conrad, Linda	Gregory, Donna
Alturkmani, Yasmin	Conrad, Rita	Griffin, Anthony
Anderson, Jennifer	Cooper, Thomas	Guaneme, Monica Liliana
Andres, Rueda Prada	Cordes, Amanda	Pomares
Cristian	Coutch, Carl	Gutierrez, Pablo
Archer, Hayley	Cruz, Alexis	Hansen, Danielle
Arnold, Tisha	Cruz, Yadiana Salin	Harrison, Sarah
Ashford, Constance	Davidson, Moncia	Hodgson, Dennis
Elizabeth	Deline, Rhonda	Holmes, John
Awso, Salema	Demo, Catherine	Holwell, Jean
Azevedo, Daniel	Deshaw, Steve	Holwell, Lynn Suzanne
Baguios, Macklin	Draper, Ryan	Holwell, Robert
Balasa, Joshua	Drost, Brent	Homer, John
Barr, Delaney	Drover, Scott	Htoo, Gay K'bru
Beaton, Tyler Michael	Dubon, Henry	Humphrey, Torin
Beaumont, Crystal	Dubon, Shirlee	Huysmans, John
Bennett, Cara	Egan, Mary Jane	Ifran, Faryal
Bernard, Diane	Elo, Devin	Irfan, Fahad
Bernard, Lori	Espinosa, Alejandra	Issa, Reem
Bonnar, Evan	Espinoza, Freddy Jose	Jackson, Karen
Botting, Daniel	Espitia, Eduardo Guerrero	Jacobs, Amanda
Boudreau, Mary Theresa	Farmer, Emily	Jaffar, Irfan Mohamed
Boughner, Nancy	Finlay, Graham	Jarquín, Julio
Bowes, Olivia	Fishback, Brendan	Jayaraman, Divya
Bristow, William	Flores, Damaris	Jongeneelen, Benjamin
Brown, Lorissa	Forrest, Jessica	Kauenhofen, John
Brown, Mitchell	Forrest, Sara	Kaur, Kulvir
Butler, James	Fowler, Quinn	Kerr, Leone
Cambridge, Ryan	Franey, Sean	Khalili, Oveis

Khatri, Abhishek
 King, Robert Adam
 Laca, Jennifer/Marie
 Lachance, Lauren
 Larhrissa, Youness
 Leal, Diana
 Lebel, Chantal
 Lee, Angus
 Lee, Jung-Sun
 Lee, Shelby
 Leppington, John
 Leyva, Yunier Otero
 Linwood, Jeremy
 Little, Chris
 Long, Shirley
 Lowes, Anna
 Lowes, Joshua
 Lundy, Jim
 Lundy, Marianne
 Machamire, Joy Rumbidzai
 Macmullin, Jonathan
 Madi, Larmia
 Magallanes, Arceli/Rose
 Magallanes, Raul
 Mairena, Danny
 Marcy, David
 Martin, W.
 Martin, William Keith
 Mater, Nathaniel
 Matheson, Amanda
 Mcfarlane, Devon
 Mcgee, Hunter
 McGill, Danielle
 Mcnicholl, Matthew
 Medeiros, Ryan Jm
 Medvediev, Mykhailo
 Meharey, Xena
 Meharg, Alea
 Melkic, Sehuala
 Menard, Rachelle
 Metcalf, James
 Miftha, Mohamed Amraaz
 Mitchell, Taylor
 Molicca, Stephanie
 Moorad, Riad
 Moore, Jennifer Marion
 Morris, Robert Bruce
 Motiejunas, Shane
 Mundy, Sydney
 Mutua, Esther Ndila

Namande, Irene
 Napier, Ainsley
 Navarro, Claudia Vanessa
 Navarro, Daniel Martin
 Navas, Jesenia
 Nguyen, Duc
 Niaj, Ayssar Aboul
 Norman, Kaitlin
 Nusink, Matthew
 O'donnell, Brandon
 O'neil, Gordon
 Odegaard, Krista
 Okour, Buthanaih
 Olivera, Iris Murray
 Osborne, Linda
 Paisley, Robert
 Pangwe, Riza
 Paskhalon, Maksym
 Patterson, Jordon
 Patton, Robert
 Pavey, Brian
 Pavey, Heather
 Peck, Ryan
 Peers, Dennis
 Peers, Wendy
 Perry, Carol
 Perry, Norman
 Pina, Dayan Andrea Higuera
 Polepally, Venkata
 Jayachandra
 Porter, Chelsea
 Prada, Jenny Rueda
 Price, Jesse
 Prieur, Stacey Lee
 Pulgar, Alexis Reyes
 Purtill, September
 Ramos, Catalina Giraldo
 Richardson, John
 Rios, Alejandro Betancur
 Rivera, Ana Gabriela Fu
 Rivera, Maria Trinidad
 Roberts, Trevor James
 Rockery, Paul
 Rogers, Patsy
 Romero, Carla Campos
 Rudaitis, Vytas
 Ruiz, Cristel Del Carmen
 Garcia
 Russell, Katherine
 Salazar, Colin Joseph

File Number: LTB-L-090405-25

Salters, Bernard
 Sawyer, Johnathon Dave
 Sawyer, Lisa May
 Sawyer, Scott
 Scarpinello, Denise
 Schnegg, Kennedy
 Selders, Mark
 Sharma, Soumya
 Sheppard, Selena
 Shreidi, Nidal
 Shumba, Tafadzwa
 Simpson, Sean
 Singh, Amandeep
 Singh, Manjot
 Sismanis-Storey, Nicole
 Sloan, Chuck
 Smith, Michael
 Smith, Paul
 Smith-Blackburn, Debbie
 Snelgrove, Geoff
 Solaka, Victoria
 Sorenson, Joann
 Sparks, Lynda
 Spry, Cheyenne
 Squires, Aaron
 Squires, Wesley
 Stark, Carol
 Stover, Tomothy Heckman
 Sukikara, Marina
 Sumanjeet, Kaur
 Sutherland, Megan
 Tenant, .
 Thompson, Andrew
 Thompson, Rosemary
 Tichaona, Tembo
 Tinsdale, Liana
 Trakhov, Phillip
 Turpin, Brandon
 Turpin, Mark
 Turpin, Theresa
 Upton, Doris
 Upton, Gerritt
 Van Geel, Mason
 Vanhuigenbos, Jasen
 Vescio, Tralania Joy
 Wale, Kenneth
 Warnell, Tim
 Warren, Carli
 Wayner, Chelsey
 Wayner, Tyler

Weber, Catriona
Weir, Nickicia
Westgate, John
Wheeler, Vince

White, Garrett
Wills, Sarah
Wise, Andrew R.R.
Wishnousky, Christian

File Number: LTB-L-090405-25

Woofenden, Melissa
Yaqob, Dilshad
Young, Stephanie
Zoltanski, Andrew