



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

File Number: LTB-L-098093-25

In the matter of: 3515 Havenwood Drive, Mississauga, Ontario,
L4X 2M6

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: Jorge Garcia and Elizabeth Garcia. The Landlord filed their reply submissions to the Tenants' submissions. Late submissions were not considered.

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 0.31%. This increase is to be taken in the first year.

3. The Certificate of Service filed by the Landlord on December 5, 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 tenant, Ricardo McDonald.
4. The Board received a submission from Jorge Garcia and Elizabeth Garcia. In their submission, the Tenants raise maintenance issues. This submission was taken into consideration to the extent we can under the legislation. The Landlord's reply was also taken into consideration.
5. The first effective date of the rent increase above the guideline is March 1, 2026.

Maintenance

6. Tenants Jorge Garcia and Elizabeth Garcia, submit that there are maintenance issues which they argue, support that the Landlord's application should be dismissed. These issues are as follows:
 - a. Ceiling in rental unit developed cracks due to water infiltration – repairs were done but workmanship was poor and water damage has since reoccurred.
 - b. Garbage area not cleaned after garbage collection – scattered on the ground and leaving unsanitary conditions.
 - c. Three sewage backups in Tenants basements over the course of past 11-12 years of tenancy – believes it was due to insufficient maintenance of building systems and was preventable.
7. 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.

It is ordered that:

1. The Landlord may increase the rents charged by 0.31% 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 March 1, 2026, to February 28, 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:

3515 Havenwood Drive, Mississauga, Ontario, L4X 2M6

1	5	9	13	17	21	25	30
2	6	10	14	18	22	26	31
3	7	11	15	19	23	28	
4	8	12	16	20	24	29	

Schedule 2 - Tenants who are Affected by this Order:

Ali, Khadro
Barnes, Tamika
Begum, Ismat Ara
Bennett, Dennis
Bennett, Hiram
Bennett, Naomi Charlene
Bennett, William Truman
Cada, Anna Maria
Cadas, Petr
Cetin, Burcu
Cetin, Veli Ramazan
Chavez, Valeria
Chavez, Vanessa
Dakni, Isa
Dakni, Sait
Ervi, Santo
Fong, Fan
Ford, Jeff
Fortier, Sherrie
Garcia, Elizabeth
Garcia, Jorge
Gilley, Sandra
Haouari, Malika
Jang, Guem Yong
Jang, Sun Soon
Justus, Nadine
Justus, Souljah
Kim, Mi
Kotob, Nidal
Lucas, Anthony
Lucas, Kary Amaro

Martin, Nastassia
Messaoudi, Assia
Messoudi, Abdelhamid
Mohamed, Abdikani
Morrissey, Jahdi Jamaal
Nembhard, Arlene Antonette
Nordin, Mikael
Park, Raein
Partridge, Bill
Payne, Maureen
Perry, Cassandra N.
Perry, Samuel John
Prieto, Marlinda Josephina Chavez
Ramirez, Wuilsee Jesus Chavez
Razon, Lady Ann Frances
Salahuddin, Mohammad
Smith, Audrey
Smith, Scott
Solano, Carlos
Solano, Linsy
Taylor, Tom
Trepanier, David
Tucker, Andrew
Veliz, Janice
Veliz, Jose
Viaje, David
Viaje, Michelle
Williams, Thia
Yusuf, Aisha
Zayed, Sahar