



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

File Number: LTB-L-094961-24

In the matter of: 19 Henderson Drive, Guelph, Ontario, N1E 0A1

Between: Domenic Lizzi Landlord
Immacolata Lizzi
Cosimo Lizzi

And

Andrew Eaton and Ryan Newman Tenants

Domenic Lizzi, Immacolata Lizzi and Cosimo Lizzi (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: Andrew Eaton and Ryan Newman. The Board did not receive any reply submissions from the Landlord.

It is determined that:

Municipal Taxes and Charges

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 0.70%. This increase is to be taken in the first year.
3. I have accepted the Landlord’s amended application filed with the Board on July 22, 2025.

4. The first effective date of the rent increase above the guideline is April 1, 2025.

Validity of the Notice of Rent Increase

5. The Tenants, Andrew Eaton and Ryan Newman, submit that they dispute the claims of the Landlord that they were sent a Notice of Rent Increase (N1 Form) in November of 2024 and were blindsided by the Landlord's application and the first effective date of April 1, 2025. They included text message communications between themselves and the Landlord over a span of time from 2024 to 2025 about rent increases the Landlord was seeking the Tenants to agree to of approximately 14% of "something better than the 2.5 annual increase".
6. 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 April 1, 2025, 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 April 1, 2025 and March 31, 2026. 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.

Details about the Calculated Increase

7. The Tenants, Andrew Eaton and Ryan Newman, submit that the guideline increase is sufficient to cover the increase in municipal taxes and that therefore an above guideline increase is unreasonable. However, 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 of O. Reg. 516/06.
8. Although the Tenants 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.

It is ordered that:

1. The Landlord may increase the rents charged by 0.70% for the units set out in this Order.
2. The percentage increase set out in paragraph 1 is to be taken within the time period of April 1, 2025, to March 31, 2026.
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 16, 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 2025 is 2.50% and for 2026 is 2.10%.