



Order under Section 126 Residential Tenancies Act, 2006

File Number: LTB-L-056014-23

In the matter of: 495 Errol Road West, Sarnia, Ontario, N7V 2B8

Between: W.B.H. Elwood Limited Landlord
c/o Realstar Management Partnership

and

Refer to attached Schedule 2 Tenants

W.B.H. Elwood Limited c/o Realstar Management 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.

A Case Management Hearing was held by videoconference on March 2, 2026. The following parties attended the hearing: the Landlord's Agents Camila Nunes, Robert Larade, Sally Lester and Minesh Patel, the Landlord's Legal Representative Rachel Mazur, and a Tenant.

The Certificate of Service filed by the Landlord on January 26, 2026, 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: 106, 203, 306, 404, 506, 604, 606, 803, 809, 811, 905 and 906.

Parties reached an agreement and requested an order on consent to resolve the application.

The parties agreed that:

1. The maximum rent increase above the guideline because of capital expenditures is 1.70%. This increase is for the following capital expenditures:
 - a. Fire Alarm Audibility Upgrade;
 - b. Make Up Air Units;
 - c. Sealant Replacement; and
 - d. Riser Replacement.
2. The application is amended to remove the Asphalt Repairs capital expenditure.

3. Where the Landlord's application requests an increase of 1.80%, the maximum increase above the guideline for these units is 1.70%. This increase is to be taken in the first year.
4. The weighted useful life for the capital expenditures is 15 years.
5. The first effective date of the rent increase above the guideline is September 1, 2023.
6. There is a prior Above Guideline Rent Increase (AGI) order, file number **LTB-L-080848-22 (SWL-58051-22)** concerning this property.
 - a. Some of the units in this current application are affected by that prior AGI order. All of the permitted rent increases in the prior AGI order have not yet been taken. As a result, there will be an overlap in the rent increases from the prior and current orders for the affected units.
 - b. For capital expenditure work done, the Landlord cannot increase the rent by more than 3% (plus the annual guideline amount) in any one year period even if there are overlapping AGI orders.
 - c. The rent increases permitted by this current order may overlap with the increases in the prior AGI order up to the maximum of 3% per year (plus the annual guideline amount). However, if the maximum 3% per year has already been taken under the prior order, some or all of the rent increases in this order will be deferred until the rent increases in the prior order have been taken.

On consent of the parties, it is ordered that:

1. The Landlord may increase the rents charged by 1.70% 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 1.70% within the time period of September 1, 2023, to August 31, 2024.
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 Landlords or the Tenants shall pay to the other any sum of money that is owed as a result of this order within 90 days of the date of this order.

April 20, 2026
Date Issued

Lindsay Phomin
Hearings 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.
2. If the Landlord has given 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 2023 is 2.5% and for 2024 is 2.5%.

Schedule 1 - Units affected by this Order:

101	508
107	510
109	511
110	601
111	602
201	603
202	607
204	610
208	611
209	701
210	702
211	706
301	710
303	802
304	804
305	805
307	806
308	810
310	904
402	907
405	909
411	911
501	1001
502	1004
504	1007
505	1010
507	

Schedule 2 - Tenants who are Affected by this Order:

Babcook, Joanne
Bastos, Sophie
Blackwell, John
Broad, Gilbert
Campbell, Mildred
Carr, Malcolm
Carrothers, Bill
Chartier, Ray
Cook, Diane
Crowley, Gerard
Davidson, Shirley
Dionne, Cecil
Farid, Lauji
Fraser, Joanne
Giancarlo, Nick
Gillis, Frances Marie
Grimes, Jeanne
Harrison, Mark
Hayes, Christine
Hazzard, J.
Horodyski, B.
Houle, Edith
Howlett, Ruth Mary
Judson, Catherine
King, John
Lavoratore, Karen
Leach, Miranda

Loxton, Harrison Edward
Mccracken, Gary
Mccrae, Brenda
Mcdonald, Frances
Mclellan, John
Moore, Larry
Munro, Edward
Nolan, Margaret
Palmer, Marilyn
Parker, Brian
Parker, Robert Chris
Robinson, Bob
Saylor, George Evan
Schechinger, Rainer
Scott, Lorraine
Skinner, Chris
Soden, Elizabeth
Steele, George
Stephens, Connie
Vanderwal, Deborah
Vantongerloo, Helene
Vickers, Paula
Wallace, Tyler
Wardell, Don
Woods, Roberta
Zevenbergen, Lillian

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 2023 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 2023 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.