



**Order under Section 135
Residential Tenancies Act, 2006**

File Number: LTB-T-108915-25

In the matter of: 1011, 100 Wellesley Street East
Toronto ON M4Y1H5

Between: Dean Thomas Tenant

And

Capreit Limited Partnership Landlord

Dean Thomas (the 'Tenant') applied for an order determining that Capreit Limited Partnership (the 'Landlord') collected or retained money illegally.

This application was heard by videoconference on April 21, 2026.

The Landlord's representative, Eshita Mongia, and Landlord's agent, Roshan Mohamed, and the Tenant attended the hearing.

Determinations:

1. As explained below, the Tenant did not prove the allegations contained in the application on a balance of probabilities. Therefore, the application is dismissed.
2. For the following reasons, I find that the Landlord did not collect rent in excess of the amount allowed by the Residential Tenancies Act, 2006 (the 'Act').
3. At the hearing, the Tenant testified that he was confused when the N1 notice of rent increase for January 1, 2024, noted that the rent increase was 3.50%, and not the 2.5% Guideline increase amount. In addition, the N1 notice of rent increase was based on the incorrect amount of rent. As a result, he believed the rent was increased in an amount higher than permitted by the Act. The Tenant admitted that he did not pay the increase amount of \$56.18 each month that the Landlord requested to begin as of January 1, 2024, and has not paid the increase to the date of the hearing.
4. The parties do not dispute that Landlord filed an L5 - Above Guideline Rent Increase ('AGI') application with the Board, requesting a rent increase in the amount of 3.50%, and that application is still pending as of the date of the hearing.

5. The Landlord's agent provided an email, dated December 16, 2025, which explained they were not required to pay the proposed AGI amount until the LTB issued an order granting the application.
6. Based on the evidence of the parties, and the Tenant's own testimony that no money was collected by the Landlord for the Above Guideline Increase that has been filed, I find that the Landlord did not collect rent in excess of the lawful monthly rent. Neither did the Landlord add the amount to the Tenant's ledger and they also did not attempt to enforce the payment of the proposed AGI amount.
7. Therefore, the Tenant's application cannot proceed as the Landlord has not collected or retained money contrary to the Act.

It is ordered that:

1. The Tenant's application is dismissed.

April 29, 2026

Date Issued

Vinuri Sivalingam

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.