



Order under Section 126 Residential Tenancies Act, 2006

File Number: LTB-L-019727-25

In the matter of: 291 St. George, London, ON, N6A 3A8

Between: Homestead Land Holdings Limited Landlord

And

Refer to attached Schedule 2 Tenants

Homestead Land Holdings Limited (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 Landlord and the Tenants: Robert Hayes and Angela Nicole Maris. The Landlord replied to the Tenants. Any submissions received past the deadline for submissions, being December 5, 2025 for Tenant submissions and December 20, 2025 for Landlord submissions, were not considered.

Preliminary Matters

Service

1. The Tenant, Robert Hayes submits that the service for the Landlord's application must "reach the actual occupants of affected units" and that because they submit, the Landlord relied on a list which includes former occupants, that this results in "service that does not reach the current tenants".
2. For clarity, service need not be on the occupants of a rental unit, but only on the affected Tenants. The fact that an affected Tenant has moved out of the residential complex does not mean that they cannot be affected by the application so long as they were served in accordance with the Landlord and Tenant Board Rules and / or s. 191(1.0.1) of the Act which sets out the rule on providing a notice or document to a tenant or former tenant who is no longer in possession of a rental unit.

It is determined that:

Municipal Taxes and Charges

3. 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).
4. The maximum rent increase above the guideline because of an extraordinary increase in the cost for municipal taxes and charges is 0.46%. This increase is to be taken in the first year.
5. The Certificate of Service filed by the Landlord on November 6, 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: 5, 6, 8, 102, 103, 106, 108, 302 and 308.
6. The first effective date of the rent increase above the guideline is July 1, 2025.

Allocation of Costs

7. The Landlord’s application, filed with the Board on March 6, 2025, included details about the final tax amounts for both the Reference Year and Base Year. The final tax bills reflect that there are 4 residential buildings located on the property. I note that only 1 of the 4 buildings, is affected by this application, being 291 St. George Avenue, London (the “affected building”). The Tenant, Robert Hayes, filed their submissions on November 29, 2025, which noted the differing sizes of residential buildings, describing them as follows:
 - a. 291 St. George – 3-storey walk-up – the affected building
 - b. 295 St. George – 3-storey walk-up
 - c. 1 Grosvenor – 14-storey tower
 - d. 9 Grosvenor – 7-storey building
8. I note that the Landlord appears to have taken an equal allocation approach to allocating the municipal taxes costs, where 1/4 of the costs have been allocated to the affected building. For clarity, the final tax bill was \$1,142,845.74 for the Reference Year was \$1,230,415.37 for the Base Year. Taking 1/4 of the tax Bills, the Landlord completed Schedule 1A with the total tax amount of \$285,711.44 for the Reference Year and \$307,603.84 for the Base Year.

9. To determine which method of allocation would be most appropriate and reasonable method of allocation, the Board required additional information. A Member Endorsement Form was issued on February 27, 2026 seeking information from the Landlord about the square footage and revenue generated for each of the four buildings noted.
10. The Landlord filed their response on March 16, 2026 noting the square footage and revenue generated for each of the noted buildings for 2023 and 2024. Based on their submissions below, the Landlord has taken an allocation based on revenue as an appropriate and reasonable approach to be taken in this application.
11. In reply, the Tenant, Robert Hayes, submits that the Landlord introduced figures that are inconsistent with those used in their initial application, and relied on new and unsupported revenue figures which were the same for both Reference and Base Years, and that the Landlord failed to identify the accounting period used. The Tenant submits further that there are different revenue amounts for 291 St. George and 295 St. George and yet they have the same percentage and dollar allocation.
12. In response to the submission of Tenant, Robert Hayes, the Landlord filed reply submissions on April 13, 2026 with calculations based on revenue as of December 31 of the respective years.
13. In this instance, notwithstanding that the Landlord has put forward an allocation by revenue, I find the most fair and reasonable method of allocation to be by square footage. As noted, there is disagreement between the parties on the appropriate revenue to be used for the allocation between Base and Reference years. Given that the accounting period for the revenue provided by the Landlord is monthly, I find that there could be variability in monthly revenue which may result in an allocation that is not fair and reasonable. Given that square footage is a factor in the determination of municipal taxes, I am satisfied that it is a reasonable approach to allocate the taxes for each Base and Reference Years. As such, the allocation is as follows:

Allocation by Square Footage – Base Year 2024 Tax Bill - \$1,230,415.37

Building	Square Footage	Allocation Based on Square Footage	Tax Bill Allocation
291 St. George (the affected building)	23,363	6.07%	\$74,686.21
295 St. George	24,023	6.23%	\$76,654.88
1 Grosvenor	285,919	74.24%	\$913,460.37
9 Grosvenor	51,847	13.46%	\$165,613.91

Based on the above, I have calculated the total square footage for the above noted buildings to be 385,152 square feet.

Allocation by Square Footage – Reference Year 2023 Tax Bill - \$1,142,845.74

Building	Square Footage	Allocation Based on Square Footage	Tax Bill Allocation
291 St. George (the affected building)	23,363	6.07%	\$69,370.74
295 St. George	24,023	6.23%	\$71,199.29
1 Grosvenor	285,919	74.24%	\$848,448.68
9 Grosvenor	51,847	13.46%	\$153,827.04

14. The allocation was done by taking each building's square footage and dividing it by the total square footage of all buildings to determine its percentage allocation. This percentage was then applied to the total tax bill to calculate the amount allocated to each building.
15. The Tenant also submits that the Landlord sought a single-building above guideline increase despite there being multiple buildings which make up the residential complex. They submit that the Landlord's sought increase should be applied across all units since the Landlord noted on their application that all rental units in the residential complex are affected except for vacant units. They submit that in using the rental figures for only the affected building and not all four buildings, that the Landlord's figures grossly inflate the resulting percentage increase sought.
16. For clarity, the purpose of the requirement for the Landlord to submit the revenue and square footage for each of the 4 buildings of the residential complex as set out under the Member Endorsement Form is for allocation purposes. Only the final tax amounts paid for the Base and Reference Year are required and I am satisfied the Landlord provided those amounts. The rent roll provided by the Landlord upon filing their application is based on a single year at the time of filing with the Board.
17. In this instance, the Landlord sought an above guideline increase due to an extraordinary increase in municipal taxes and charges pertaining only to the building 291 St. George Street, London Ontario and this was reflected by their initial choice of a $\frac{1}{4}$ allocation of the Final Tax Bill amounts for Base and Reference years in their application, shown by the notation on the tax bill itself and the amounts claimed in their application. I am satisfied that the Landlord did not seek to spread the entire cost of the Final Tax Bills on only 291 St. George Street, London Ontario, but as reflected by their application, they sought to allocate the costs such that only $\frac{1}{4}$ of the municipal taxes would apply to the affected building which forms the basis of their application.

18. Without further information pertaining to the Landlord's allocation of costs pertaining to the final tax bill and given the Tenant's submission describing the buildings noted on the final tax bill, I was not satisfied that the allocation was appropriate and reasonable. This is the precise reason why the Member Endorsement Form was issued. I find that the allocation by square footage, is appropriate and reasonable in this instance and the calculated increase shall reflect the changes to the costs claimed as follows:

Accounting Periods	Reference Year 2023	Base Year 2024
Costs Claimed in Application	\$285,711.44	\$307,603.84
Allocation of Costs Claimed by Square footage to 291 St. George Street, London Ontario	\$69,370.74	\$74,686.21

19. The Board calculates the increase in accordance with the rules set out under s. 29 of the O. Reg. 516/06. The increase justified by the Landlords' application was initially found to be 1.89% because the initial costs claimed in their application were not reasonably allocated as discussed above. Given that only 291 St. George Street, London Ontario is affected by this application, as per the allocation by square footage noted above, the increase permitted is calculated to be 0.46%.

Rental Unit Information

20. The Tenant, Robert Hayes, submits that the Landlord failed to update their Rental Unit Information (RUI) details because it lists Tenants who no longer reside in the building and does not reflect the current lawful rents of all units.
21. The Tenant submits that the calculations undertaken under s. 21(2) of O. Reg. 516/06 were wrong since the Landlord should have used the "average rent charged for the rental units in the residential complex". They submit further that the Landlord's determinations outlined in Schedule 1 - Part D – Information About Units Affected by Operating Costs are defective and "internally inconsistent".
22. For the sake of clarity, Tenants who resided in the residential complex when the application was filed but later moved out may still be affected by the application. It is the prerogative of the Landlord should they seek to recover any amounts owing from affected Tenants as a result of this Order. However, as noted above, anyone not served with the application and Notice of Hearing are removed as parties and are not affected by this application.
23. I accept the Landlord's RUI is up to date as of the date of filing of their application. There is no evidence before me that the Landlord did not properly set out the required details noted in Schedule 1 Part D – Information about Units Affected by Operating Costs.

Maintenance

24. Tenant, Angela Nicole Maris, submits that there are maintenance issues which they argue, support that the Landlord's application should be dismissed. These issues are as follows:
- a. There was a hole in the wall in their bathroom behind their mirror, which was an issue the Tenant brought before the Board.
 - b. There was a draft and smell coming from the bathroom which the Tenant submits made them sick and were addressed in a matter the Tenant brought before the Board.
 - c. Timeliness of Landlord response to maintenance issues, and a difficult reporting system.
 - d. Fridge, freezer, and faulty burner on stove issues.
25. 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 Tenant, even if they remain outstanding, would rise to the level of a serious breach of the Landlord's maintenance obligation. 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, as they have indicated, file their own applications at the Board in respect of these issues.

Financial Hardship

26. The Tenant, Angela Nicole Maris, submits that they are on a fixed income and that the Board should consider financial hardship caused as a result of any increase granted.
27. 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.
28. Pursuant to subsection 205(2) of the *Act* where the Board makes an order for a rent increase above the guideline and that order is made more than three months after the first effective date of a rent increase in the order, the Board may permit a tenant to pay the Landlord the amount owing in monthly instalments.
29. Given that this order will issue more than three months after the first effective date of the above guideline rent increase herein, I am permitting the Tenant, Angela Nicole Maris, to pay any amounts owing to the date of the order in 4 monthly installments starting 30 days from the issuance date of this Order.

Out of Scope Submissions

30. The Tenants, Angela Nicole Maris, and Robert Hayes 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 which are not relevant to my findings here are as follows:
- a. The Tenant's belief that the Landlord may have sought the increase for a number of reasons including that they undertook maintenance or renovations to the building, and because they built new luxury condos on the property.
 - b. The validity of Notice of Rent Increases served – discussed further below.
31. The Tenant Robert Hayes raised that some Tenants in other buildings, not affected by this application, were also served a Notice of Rent Increase (Form N1) and that this raises procedural fairness issues since they were not permitted to participate in these proceedings.
32. The legality of the Tenants N1 forms is not properly an issue before the Board on an L5 application hearing. I say this because the legality of rent increases or even challenges to the lawful rent are not issues that are properly before the Board when it is considering a landlord's L5 application. However, for the sake of clarity, a Landlord is required to serve a Form N1, even if they are only seeking a guideline rent increase. In filing the application, the Landlord is required to identify the parties affected by the application and this is done through the Rental Unit Information (RUI) document that is submitted with their application. If a party is not identified as an affected party, they are not affected by the application and are therefore not procedurally affected by it. If a Tenant ends up paying what they feel is illegal rent because they believe that the Form N1 was invalid then they can file the appropriate application with the Board.
33. 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. 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.

Request for Costs

34. The Tenant, Robert Hayes, submits that they should be awarded costs in the amount of \$500.00 pursuant to Rule 23.3 of the Landlord and Tenant Board Rules of Procedure. They submit that the Landlord engaged in unreasonable conduct that caused "undue expense by advancing a fundamentally defective application that should not have been brought in this form." They submit that the Landlord was sophisticated and should have identified defects in their application

and as a result they were required to devote an extraordinary amount of time reviewing, cross-checking, and analyzing every aspect of the Landlord's submissions "with thorough scrutiny". The Tenant further requests any further relief or remedy that the Board considers appropriate.

35. I am not satisfied that the Landlord has engaged in unreasonable conduct in filing their application and responding to inquiries from the Board on matters related to their application. There is no evidence before me that the Landlord acted to cause "undue expense" on any party affected by this application. The very nature of the application is such that an affected party may, should they choose to, scrutinize and analyze the Landlord's application and make submissions on it for consideration. This may take some time. The mere fact that a party has done so is not evidence that the applicant has caused them undue expense. As such, the request for costs is denied.

It is ordered that:

1. The Landlord may increase the rents charged by 0.46% 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 July 1, 2025, to June 30, 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 shall pay to the Tenants any sum of money that is owed as a result of this order within 60 days of the date of this order.
5. The Tenant residing in unit 107, shall pay any amount owing to the Landlord as a result of this order in 6 monthly installments, beginning 30 days from the issuance date of this Order.
6. For all other Tenants, they shall pay to the Landlord any sum of money that is owed as a result of this order within 60 days of the date of this order.

April 30, 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 2026 is 2.10%.

Schedule 1 - Units affected by this Order:

291 St. George, London, ON, N6A 3A8

0007	0104	0109	0203	0206	0209	0304	0307
0009	0105	0201	0204	0207	0301	0305	0309
0101	0107	0202	0205	0208	0303	0306	

Schedule 2 - Tenants who are Affected by this Order:

Bhakoo, Aarian	Jordan, Alexandra	Sanderson, Payton
Black, Finn	Joshi, Jay	Shaikh, Faizan
Bose, Amrita	Kumpf, Michael	Solyom, Carter
Busmanis, Andrew	Letargo, Jessa	Stallan, Penelope
Curry, Sarah	Maris, Angela	Wearing, Ann
Ertel Baierle, Roberta	Mullen, Kyla	Weyrauch, Sarah
Gibson, Barbara	Pereira da Silva, Leonardo	Woodall, Riley
Hayes, Robert	Radley, Kate	
Jahiu, Lindi	Riordan, Donovan	