



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

File Number: LTB-L-046667-25

In the matter of: 946 Masson Street, Oshawa, Ontario, L1G 5B2

Between: Steve Clark Landlord

And

Refer to attached Schedule 2 Tenants

Steve Clark (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: Adam De Sousa – Unit 101, Scott Colbierski – Unit 201, Christopher Holdsworth – Unit 202, and Sheila Thompson – Unit 301.

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 0.45%. This increase is to be taken in the first year.
3. The Certificate of Service filed by the Landlord on February 17, 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: 102, 103, 203 and 302.

4. I have accepted the Landlord's amended application filed with the Board on November 5, 2025.
5. The first effective date of the rent increase above the guideline is April 1, 2026.

Maintenance

6. The Tenants residing Units 101, and 202, submit, with some photographic and video evidence, that there are maintenance issues which they argue, support that the Landlord's application should be dismissed. These issues are as follows:
 - a. Lack of cleaning in the building.
 - b. "The negligence of safety for tenants (snow removal, salting the driveway)".
 - c. Lack of heat in common areas – may have led to increase in hydro costs and frozen pipes or no water for certain units.
 - d. Mold inside units where multiple air purifiers are required.
 - e. Rats in proximity of garbage disposal and building – damages to Tenants vehicles.
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.

Financial Hardship

8. The Tenants residing in Units 201 and 202, submit that the Board should consider financial hardship to Tenants caused as a result of any increase granted. They submit that the current economic conditions including increased cost of living and labour markets.
9. 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.

Out of Scope Submissions

10. The Tenants residing in Units 101 and 201 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. Specifically, the Tenants raise questions as to the validity of the Notice of Rent Increase (N1 form) they received. The Tenants also raise that the Landlord's application and sought increases set out in their N1 form has caused anxiety.

11. 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. After an order is issued granting an L5 application, a landlord is entitled to demand that the tenant pay the approved above guideline rent increase only if the landlord has served the tenant with a valid N1 Form seeking the above guideline rent increase.
12. If a landlord has failed to serve N1s in the relevant time period then that becomes relevant to any dispute between the parties as to how much rent is outstanding. However, validity of the N1 Forms are not relevant to the L5 application itself. If the Tenants end up paying what they feel is illegal rent because they believe that the N1 form was invalid then they can file the appropriate application with the Board. If they refuse to pay an amount demanded by the Landlord as a result of the Board's order on the L5 application the Landlord may bring applications for arrears of rent at which point the Tenants have the opportunity to argue that the N1s are invalid and the lawful rent is different than the Landlord is demanding. But none of that is properly the subject of a hearing of an L5 application.
13. 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 0.45% 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 April 1, 2026 to March 31, 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 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. 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.
2. 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.
3. The annual guideline for 2026 is 2.10%.

Schedule 1 - Units affected by this Order:

946 Masson Street, Oshawa, Ontario, L1G 5B2

101

201

202

301

303

Schedule 2 - Tenants who are Affected by this Order:

Chase, Brian
Chase, Christie
Colbierski, Scott
Desousa, Adam
Holdsworth, Christopher
Thompson, Sheila