



Order under Section 21.2 of the Statutory Powers Procedure Act and the Residential Tenancies Act, 2006

File Number: LTB-L-055880-23-RV

In the matter of: 519-529 Sunnydale Place, Waterloo, Ontario, N2L 4S9

Between: Sunnydale Holdings Ltd Landlord

And

Refer to attached Schedule 2 Tenant

Review Order

Sunnydale Holdings Ltd (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 order LTB-L-055880-23 issued on January 28, 2026. On February 27, 2026, the Tenants requested a review of the order.

A preliminary review of the review request was completed without a hearing.

Determinations:

1. This review request is about an above guideline rent increase application that was resolved by way of a Virtual Hearing. Because this review does not concern all Tenants, I have amended the style of cause to name the Tenants who filed the request alone and a copy of this order will not be issued to the other tenant parties.
2. The Tenants submit that the Board erred by allowing many expenses that either did not fall within the scope of the work or for which there was no evidence of payment. Furthermore, several of the capital expenditures were either unnecessary, cosmetic or were general maintenance
3. The Tenants further submit that the Board committed a serious error by failing to properly address the Tenant's submissions on serious breaches of the Landlord's maintenance obligations.
4. Lastly, the Tenants contend that the Board failed to provide a detailed accounting for how the increase was calculated.
5. On the basis of the submissions made in the request, I am not satisfied that there is a serious error in the order or that a serious error occurred in the proceedings.

6. The purpose of the review process is not to reweigh evidence or rehash issues already decided. This is clearly the intention of the Tenants. The order reflects that the Member was alive to the issue of proof of costs. The Member raised those issues even where the Tenants did not object to a capital expenditure, for example exterior walls and fencing. The Member's findings as to whether an expenditure is an eligible capital expenditure are findings of mixed fact and law (*Emerson v. Themer*, 2007 CanLII 39884 (Div. Ct.)). The Tenants have not shown that there was no evidence to support the Member's findings or that the Member's findings are capricious or unreasonable.
7. The LTB will not exercise its discretion to review an order interpreting the RTA unless the interpretation conflicts with a binding decision of the Courts or is clearly wrong and unreasonable (Guideline 8 of the *LTB Interpretation Guidelines*; *Browne v. Henley Crescent*, 2026 ONSC 455). On the issue of a serious breach of maintenance obligations the Board is bound the decision of the Divisional Court in (*Puterbough v. Canada Public Works and Government Services*, 2007 O.J. No. 748 (Div. Ct.)). The breach must be serious and ongoing. The order under review is consistent with *Puterbough*.
8. It is not an error to not include a detailed calculation of the above guideline rent increase in the order. It is not the Board's practice to include a detailed calculation of the increase in the order. The Board provides the parties with a detailed calculation based on the criteria set out in the Regulations prior to the hearing. The parties may use the calculation for settlement discussions or object to the calculation at the hearing. The Tenants have not shown that the calculation is incorrect.

It is ordered that:

1. The request to review order LTB-L-055880-23 issued on January 28, 2026, is denied. The order is confirmed and remains unchanged.

April 29, 2026
Date Issued

Egya Sangmuah
Vice Chair, 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.

Schedule 2 - Tenants who are Affected by this Order: LTB-L-055880-23

Abdul Mohammed
Ambiya Mohamud Ali
Karen Elizabeth Ann Park
Mehammed Musa Ali
Sarah Roberts-Smith
Tanya Bull
Tim Allen
William Beisel
Zeinab Ismael Salin