



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

File Number: LTB-L-053770-25

In the matter of: 1541 Ouellette Avenue, Windsor, ON, N8X 1K5
1545 Ouellette Avenue, Windsor, ON, N8X 1K6

Between: Skyline Living Landlord

And

Refer to attached Schedule 2 Tenants

Skyline Living (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 Tenants: Megan Hamilton – Unit 1206 – 1545 Ouellette Avenue, Victor Darrow – Unit 310 – 1545 Ouellette Avenue, and Marla Murphy – Unit 709 – 1545 Ouellette Avenue. The Landlord replied to the Tenants.

Preliminary Matters:

Supporting Documents

1. The Tenant residing in Unit 310 – 1545 Ouellette Avenue, submits that the Landlord failed to submit the required documentation to substantiate their application.
2. There is nothing in the Tenant's submissions which indicates that they made a request to the Landlord for their supporting documents.
3. In an application for an above guideline increase due to an extraordinary increase in municipal taxes and charges, the Landlord must provide evidence of their final tax amounts owing for the Reference and Base Year, and proof of payment. I am satisfied that this documentation was provided with the Landlord's application which was filed with the Board on June 27, 2025.

It is determined that:

4. 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).
5. The maximum rent increase above the guideline because of an extraordinary increase in the cost for municipal taxes and charges is 0.17%. This increase is to be taken in the first year.
6. The Certificate of Service filed by the Landlord on November 18, 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: 215 at 1541 Ouellette Avenue and 105, 107, 208, 210, 307, 506, 609, 703, 807, 905, 1005, 1102, 1110, 1205 & 1405 at 1545 Ouellette Avenue.
7. The first effective date of the rent increase above the guideline is October 1, 2025.

Affected Parties

8. The Tenant residing in Unit 310-1545 Ouellette Avenue, submits that while the Landlord’s application indicates that 116 of 133 units are affected, it does not identify which specific units are affected.
9. For the sake of clarity, when a Landlord files their application for an above guideline increase due to an extraordinary increase in municipal taxes and charges, they must submit a Rental Unit Information form along with their application which provides details to the Board about which units are affected. The application also included a Schedule A – List of Affected Units, setting out which units are affected by this application.
10. I note that the Landlord filed their Certificate of Service with the Board on November 18, 2025 noting that the parties were served with the Notice of Hearing package, which includes the Landlord’s application, on that same day by either delivering the documents to the affected parties mailboxes or by mailing it via regular mail on November 13, 2025. As such, I am satisfied that the parties were able to determine whether or not they were affected by the application.

Municipal Taxes and Charges Costs – Residential and Commercial Units

11. The Landlord’s application – Schedule 1 Details of Operating Costs – Part C notes that there are four commercial units, 1519, 1521, 1525, and 1531 at 1541

Ouellette Avenue. They have proposed an allocation of costs based on square footage.

12. However, the City of Windsor, Final Tax Bill for both Reference Year – 2023 and Base Year – 2024 provides the final tax amounts for each commercial and residential components of the complex. Therefore, the allocation proposed by the Landlord above is unnecessary as it does not reflect the actual allocation of costs in the Final Tax Bills.
13. As such, the municipal taxes and charges costs, as set out in the City of Windsor Final Tax Bill are calculated below. For the sake of clarity, given that the encroachment charges on each Final Tax Bill, totalling \$567.00, have been applied by the City of Windsor across the property as a whole, I find it reasonable to divide these costs equally each year between commercial and residential. The calculation of the final municipal taxes and charges costs is as follows:

A. Residential Complex Final Taxes:

- i. Reference Year (2023) – Total Costs = \$273,504.87 (\$235,755.95 + \$21,930.76 + \$1,827.56 + \$2,260.99 + \$210.32 + \$17.53 + \$10,191.24 + \$948.02 + \$79.00 + \$283.50))
- ii. Base Year (2024) – Total Costs = \$287,163.89 (\$244,648.61 + \$26,503.56 + \$2,038.70 + \$2,213.06 + \$239.75 + \$18.44 + \$10,046.21 + \$1,088.34 + \$83.72 + \$283.50)

B. Commercial Final Taxes

- i. Reference Year (2023) – Total Costs = \$ 18,546.11 (\$14,534.58 + \$139.39 + \$3,588.64 + \$283.50))
- ii. Base Year (2024) – Total Costs = \$19,311.11 (\$15,300.56 + \$138.41 + \$3,588.64 + \$283.50)

14. Therefore, the final municipal taxes and charges costs between the Reference Year (2023) and Base Year (2024) for the residential complex, as noted above, have been used to determine the justified a rent increase above the guideline because of an extraordinary increase in the municipal taxes and charges for this application.

Elevators - Order Under S. 21 of the *Technical Standards and Safety Act, 2000*

15. The Landlord noted on their application under Part 3, that there was an order made under s. 21 of the Technical Standards and Safety Act, 2000 (a “TSSA Work Order”) and that the work under the order had been completed.
16. Among other requirements, s. 126(13) provides that if a Landlord has not completed work items noted in TSSA Work Orders relating to one or more elevators, that the Board must either dismiss the application with respect to

affected units or delay any rent increase above the guideline until the Board is satisfied that the work items noted have been repaired or replaced as required.

17. The Landlord included two TSSA Inspection reports concerning the passenger elevator at 1545 Ouellette Avenue in their supporting documents, namely Inspection Report #10089722 under Work Order #8305753 and Inspection Report #10094280 under Work Order #8317366. Both reports indicate an inspection completion date of May 3, 2023 and an issued date of May 4, 2023. Each report notes the "Status" of each identified issue described under the column entitled "Resolved Inspection Order(s) or Safety Task(s)". The "Status" for each issue was noted as "Resolved". The TSSA inspector, Guy Simard and their contact information is noted on the Order. I also note the following Inspection Notes:

"Inspection Order(s) are issued pursuant to my authority under section 21. (1) of the Technical Standards and Safety Act, 2000.

Where inspection orders are issued, TSSA will perform a follow-up inspection to confirm compliance. The responsible party is expected to make all the necessary corrections within the compliance time specified.

Where safety tasks are issued, TSSA will not perform a follow-up inspection to confirm compliance. The responsible party is expected to make all the necessary corrections within the compliance time specified. Safety tasks may be subject to a TSSA audit inspection and/or the responsible party may be required to confirm compliance to obtain your authorization/license.

TSSA has completed an inspection of this device. The device is authorized."

18. As such, I am satisfied that the Landlord has completed the work noted in the TSSA Work Orders identified above.

Maintenance

19. The Tenant residing in Unit 1206 – 1545 Ouellette Avenue submits, with photographic and text message evidence, that there are maintenance issues which they argue, support that the Landlord's application should be dismissed. These issues are as follows:

- a. Cockroach infestation in unit and building.
- b. Poor maintenance of building amenities
- c. Frequent laundry machine breakdown – one to two machines out of service weekly.

- d. Security card entry for garage door did not work for a period of time and building entry systems unreliably working – homeless individuals sleeping in the lobby in the early mornings.
 - e. One elevator is almost always out of service.
 - f. Chipped and damaged walls.
 - g. Damaged parking garage door with graffiti.
20. 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 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

21. The Tenant residing in Unit 310 – 1545 Ouellette Avenue, submits that the Board should consider financial hardship to Tenants caused as a result of any increase granted.
22. 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

23. The Tenant residing in Unit 709 – 1545 Ouellette Avenue submits that the Landlord is seeking to increase rent because of elevator repairs and taxes and submits that the Landlord is "gouging" Tenants on items that they are responsible for.
24. I also note the Tenant has completed only the first page of the Accommodation Request form. I see nothing in the Tenant's submission about seeking an accommodation so that the Tenant can fully participate in the hearing. The Tenant has made written submissions which have been considered. As such, I presume the Tenant may have completed the first page of the Accommodation Request form in error.
25. 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.

It is ordered that:

1. The Landlord may increase the rents charged by 0.17% 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 October 1, 2025, to September 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 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.

May 1, 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 for 2026 is 2.10%.

Schedule 1 - Units affected by this Order:

1541 Ouellette Avenue, Windsor, Ontario, N8X 1K5

211	212	213	214	216	217	218
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1545 Ouellette Avenue, Windsor, Ontario, N8X 1K6

101	301	408	604	801	907	1103	1209
102	302	409	605	802	908	1104	1210
103	303	410	606	803	909	1105	1401
104	304	501	607	804	910	1106	1402
106	308	502	608	805	1001	1107	1403
110	309	503	610	806	1002	1108	1404
201	310	504	701	808	1003	1109	1406
202	401	507	702	809	1004	1201	1407
203	402	508	704	810	1006	1202	1408
204	403	509	706	901	1007	1203	1409
205	404	510	707	902	1008	1204	1410
206	405	601	708	903	1009	1206	
207	406	602	709	904	1010	1207	
209	407	603	710	906	1101	1208	

Schedule 2 - Tenants who are Affected by this Order:

Abbas, Ragheb	Ellsworth, Susan
Ali, Sheharyar Mazhar	Evans, Jeffery
Al-Karnavi, Djenan	Fehr, Aron
Al Kateb, Christine	Gaudette, Monice
Al-Khayyat, Hazim	Glass, Robert
Alqas Matti, Khalida	Green, Michael
Al-Safadi, Ahmed	Grey, Veronica
Alshoukha, Khalil	Gudur, Anjani
Al-Syamir, Mika	Gudur, Satyanarayana
Al-Tameemi, Jinan Owaid Thajeel	Habib, Lina Aman
Amalow, Maryan	Hall, Rita June
Barrak, Mohamed Amine	Hazlehurst, Barry Joseph
Baydoun, Zeinab	Canadian Mental Health Association
Bergen, Paul	Hemberger, Joanna
Beydoun, Mariam	Hemberger, Johanna
Bishouty, Lily	Hitch, Norman
Black, Stacey	Idris, Sabrin
Bokan (ARM), Ivana	Ireland, Thomas
Bokan (MNTC), Dane	Islam, Md Manzur ul
Brodsky, Morton	Ivanov, Volodymyr
Brogan, Kenneth	Ivanova, Svitlana
Busko, Mary	Jallow, Amadous
Cardoso, Elijah	Jimenez, Theodora
Carriere, Therese	Kalathiya, Malav
Choudhury, Mousuf	Kamal, Alia
Clapper, Karen	Katana, Merita
Clemerson, Iain	Kavanaugh, Lorena
Collier, Tiana	Khashayar, Parsa
Coolin, Latrice	Kong, Chun Lok Diogo
Cormier, Ron	Kuzmenka, Palina
Courtenay, Katherine	Lachance, Cody Daniel
Critchlow, Nancy	Lakdawala, Faiysal
Darrow, Victor	Lakdawala, Nargishbanu
Davis-Milburn, China	Latif, Miraj
Deguzman, Christina	Leach, Lindsey
Demarco, David	Leshchynsky, Volf
Dent, Katrina	Lesperance, Elesa Jean
Deslippe, Ross	Logan, Darren
Digou, Sandra	Maktof, Anstar
Divnich, Richard	Marentette, Linda (Cristina)
Dmitrienko, Anton	McIntyre, Mitchell
Dorsette, Anna	Miller, Alex
Dufour, Marlene	Miller, Cecilia
El-Hage, Wissam	Miller, Neil

Moccia, Daniela
Mohammed, Radhi Darwish
Moore, Janice
Mousa Markas, Yousif
Muhsin, Manfat
Muise, Marquita
Mull, Steven
Murillo, Andres
Murkos, Samir
Murphy, Kenneth
Murphy, Marla
Najm, Maha
Nantais, Jonathan
Nedzad, Kaplanovic
Nikashyna, Karyna
Nogueira, Megan
Nyestyrova, Ninel
Osman, Abdulkarim
Parker (ARM), Maegan
Patterson, Marlene
Pereira, Shaelynn Anne
Popescu, Paul
Raage, Zamzam
Radnoti, Fred
Radnoti, Jessica
Radnoti, Julie

Reaume, Mike
Robinson, Travis
Roumie, Hussein
Roy, Teresita
Rugelinyange, Francois
Salama, Osama
Seguin, Melissa
Shean, Charles
Shore, Rachel
Smith, Neve-Ann
Smith, Thomas
Sokolovska, Yuliia
Soulliere, Sara
Stadler, Anna
Stafford, Sheila
Stych, Leonard Graham
Sundell, Gloria
Suri, Muhammed Hamza
Syed, Sasha Ali
Vogel, Vanessa
Waalewyn, Brian
Wallen (RM), Tristan
Watts, Justin
Whitfield, James
Yacoob, Najm