



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

File Number: LTB-L-079639-25

In the matter of: 858 Gilbert Street, Peterborough, Ontario, K9H6G5

Between: Tiffany Smith Landlord

And

Refer to attached Schedule 2 Tenants

Tiffany Smith (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 Tenant: Kevin McMullen – Upper Unit.

Preliminary Matters:

The Notice of Rent Increase – S. 32(1), O. Reg. 516/06 and S. 119(1) of the Act

1. The Landlord applied for an order permitting the rent charged to be increased by more than the guideline based on an extraordinary increase in municipal taxes and charges. The first effective date set out in the application was January 1, 2026.
2. The Tenant, Kevin McMullen submits, enclosing a copy, that the Notice of Rent Increase (N1 Form) they received in November of 2025 having a first effective date of January 1, 2026 only noted a guideline rent increase and did not disclose an above guideline increase. They submit that the Landlord had verbal discussions with them about a further rent increase in addition to the N1 Form guideline increase.
3. In reply, the Landlord submits that “ An application for an Above Guideline Increase (AGI) due to extraordinary increases in municipal taxes does not require disclosure on the N1 notice prior to filing.” They submit that the N1 form is used to implement a rent increase once it has been approved or where guideline increases apply. They submit that they properly filed their application and served the Notice of Hearing to the Tenant in accordance with the Act. The Landlord submits that the verbal discussions they had about a further increase was

“exploratory in nature and intended to determine whether a mutual agreement could be reached. No agreement was made.”

4. Pursuant to s. 32(1), O. Reg. 516/06 an above guideline rent increase “may only be taken within 12 months of the first intended rent increase referred to in the application for a rental unit in the residential complex”. In other words, if the first effective date on the application is January 1, 2026, a Notice of Rent Increase that includes the above guideline increase must be served at least 90 days in advance of the effective date of the Notice of Rent Increase and the effective date must be between January 1, 2026 and December 31, 2026. Where a landlord serves only a guideline Notice of Rent Increase in the relevant 12-month period, that landlord would not be entitled to the above guideline rent increase because of s. 32(1) of the Regulation and s. 119(1) of the Act.
5. Given that the Landlord, by their own admission, did not provide the required notice of the above guideline increase with respect to this Tenant, the Landlord is statute barred from increasing the rent above the guideline for the claimed extraordinary increase in municipal taxes and charges for the Tenant, Kevin McMullen since the above noted period has already lapsed.
6. As such, this Order shall have no force or effect on the Upper Unit and they shall not be affected by it. Thus, I have not considered their remaining submissions.
7. There is no evidence before me concerning any Notice of Rent Increase served on the Basement Unit. As such, I can make no findings in that instance. However, for the sake of clarity, the provisions cited above, being s. 32(1), O. Reg. 516/06 and s. 119(1) of the Act, apply.
8. If the Tenant in the Basement Unit ends 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 Tenant has the opportunity to argue that the N1 is invalid and the lawful rent is different than the Landlord is demanding.

It is determined that:

Municipal Taxes and Charges

9. 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).

10. I have accepted the Landlord's amended application filed with the Board on November 5, 2025.
11. The maximum rent increase above the guideline because of an extraordinary increase in the cost for municipal taxes and charges is 0.44%. This increase is to be taken in the first year. The first effective date of the rent increase above the guideline is January 1, 2026.

It is ordered that:

1. The Landlord may increase the rents charged by 0.44% 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 January 1, 2026, to December 31, 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 7, 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:

858 Gilbert Street, Peterborough, Ontario, K9H6G5

Basement

Schedule 2 - Tenants who are Affected by this Order:

Wi Negarden, Graham