



Order under Section 126 Residential Tenancies Act, 2006

File Number: LTB-L-033980-25

In the matter of: 1371 Commissioners Road West, London, Ontario,
N6K 4H8

Between: Norquay Development Limited Landlord

And

Refer to attached Schedule 2 Tenants

Norquay Development 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: Karl Johnson and Jacqueline Nolan. The Landlord replied to the Tenants.

Preliminary Matters:

Service of the Notice of Written Hearing Package

1. The Tenant, Karl Johnson, submits that Tenant, David Miller in Unit 306 did not receive the Notice of Written Hearing.
2. I note there are no submissions from David Miller setting out that they did not receive the Notice of Written Hearing.
3. The Landlord filed their Certificate of Service on November 26, 2025, noting that the affected Tenants, with noted exceptions, were served with the Notice of Hearing Package on November 4, 2025 by placing the document under the door of the rental unit or through a mail slot in the door for most Tenants including David Miller. The deadline for service of the Notice of Written Hearing Package on affected Tenants was November 10, 2025.
4. Other than another Tenant's submission, there is no evidence before me, which would support that David Miller of Unit 306 was not served with the Notice of Written Hearing Package. The evidence before me supports that David Miller

was served with the Notice of Written Hearing Package within the required deadlines.

It is determined that:

Municipal Taxes and Charges

5. 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).
6. The maximum rent increase above the guideline because of an extraordinary increase in the cost for municipal taxes and charges is 0.50%. This increase is to be taken in the first year.
7. The Certificate of Service filed by the Landlord on November 26, 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: 109, 201, 208 and 409.
8. The first effective date of the rent increase above the guideline is August 1, 2025.
9. I have accepted the Landlord’s amended applications filed with the Board on August 15 and October 28, 2025.

Affected Tenants

10. The Tenant, Karl Johnson, questioned why some Tenants, such as Unit 407 are not affected by the application. If a tenancy is started on or after the day that is 90 days before the first effective date of the increase set out in the application, that any increase would not apply to that tenant.

Other Above Guideline increases and Financial Hardship

11. The Tenant, Jacqueline Nolan, submits that Tenants in the residential complex received a separate 3% above guideline increase, on consent, due to capital expenditures incurred by the Landlord relating to a new roof. The Tenant submits that the Board should consider the financial impact of any increase granted and argues that a reasonable increase should be lower than 3%.

12. For the sake of clarity, while an above guideline rent increase for capital expenditures cannot be more than 3% above the guideline in any one year, there is no limit imposed by the Act on the percentage rent increase above the guideline allowed for an extraordinary increase in the cost of municipal taxes and charges.
13. 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.

The Landlord's Right to Apply and Out of Scope Submissions

14. The Tenant, Karl Johnson, made submissions on matters which, while I understand are important to the Tenant, are not matters which the Act permits me to consider on the hearing of this application. The issues raised by the Tenant which are not relevant to my findings here are as follows:
 - a. Why the Landlord did not seek a tax reduction with the City of London.
 - b. The name of the judge, if the Landlord did seek a tax reduction from the City of London.
 - c. Final property tax amounts in years which are not the Base or Reference Years.
 - d. If the Landlord reached out to the Councillor for the Ward to inquire as to why there was an increase, and if they did, what was the answer.
 - e. Why the Landlord is seeking the increase when the Landlord pays for grass cutting which the Tenant believes should be done by the Building Manager and which the Tenant submits, Tenants pay extra rent for every year.
15. The Tenant submits that they believe the Landlord to be "using a loophole in the" Act to increase the rent. The Tenant submits that they believe the rent increase to be "frivolous" and "without merit" and "on the verge of harassment and criminal intimidation".
16. Although the Tenant 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 0.50% 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 August 1, 2025, to July 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 14, 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:

1371 Commissioners Road West, London, Ontario, N6K 4H8

101	106	204	210	305	310	405
102	108	205	301	306	401	406
103	110	206	302	307	402	408
104	202	207	303	308	403	410
105	203	209	304	309	404	

Schedule 2 - Tenants who are Affected by this Order:

Baker, Deborah	Mallett, Anita	Robinson, Darryl
Barsky, Bernard	Marlin, Angela	Schaefer, Edmond
Barsky, Eva	Martin, Darlin	Smith, Elise
Bowers, Peggy	McCallum, Daisy	Smith, Gary
Brunette, Susan	McKinlay, Grace	Smith, Gerald
Carver, Joan	McMullen, Shirley	Smith, Sharon
Eden, Leslee	Miller, David	Smith, Sheila Lynn
Eden, Lynn	Miller, Margo	Stan, Simon
Fagan, William	Mills, Tracy	Stanford, Robert J
Gamble, Ken	Miner, Elsi	Stratton, Carolyn
Gamble, Marie	Mossop, Joyce	Szusz, Alexandria
Gillick, Jack	Nethercott, Brenda	Wade, Marleen
Gingerich, Roy	Nethercott, Luanne	Wisnowski, Daniel
Gurman, Leona	Nolan, Jacqueline	Wisnowski, Gregory
Hawkes, Virginia	Palmer, Alyssa	Young, Ann
Janssen, Allen	Palmer, Jonathan	Young, Christopher
Janssen, Ellen	Redden, Grant	
Kovac, Lisa	Redden, Vicki	