



Order under Section 126 Residential Tenancies Act, 2006

File Number: LTB-L-007581-24

In the matter of: 195 & 207 Fifth Avenue, Kitchener, ON N2C 1P6
196 & 210 Sixth Avenue, Kitchener, ON N2C 1R3

Between: GF II Fifth Avenue & Sixth Avenue Ltd. Landlord

and

Refer to attached Schedule 2 Tenants

GF II Fifth Avenue & Sixth Avenue 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.

A Case Management Hearing took place by videoconference on March 23, 2026.

The following parties attended the hearing: the Landlord's Representative, Patty Duwyn, and the Landlord's Agents, Ashley Archer, Greg Wills, Nicole Roblin, Bart Bortkiewicz, William Wang and Gaurav Jagtap, the Tenant Representatives, Michelle Secours from unit 403/195 Fifth Avenue and Lela Frenette from unit 203/196 Sixth Avenue, who confirmed their permissions, by way of signed proxy documents, to represent the interests of a number of the Tenants from the residential complex, as well as several other Tenants from the following units: 101/195 Fifth Avenue, 103/195 Fifth Avenue, 104/195 Fifth Avenue, 204/195 Fifth Avenue, 302/195 Fifth Avenue, 402/195 Fifth Avenue, 104/207 Fifth Avenue, 402/196 Sixth Avenue and 403/196 Sixth Avenue.

The Certificate of Service filed by the Landlord on February 11, 2026, indicates that some rental units listed in the application were not served with the application and notice of hearing. The Board 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 13 units: 105/195 Fifth Avenue, 303/195 Fifth Avenue, 103/207 Fifth Avenue, 202/207 Fifth Avenue, 303/207 Fifth Avenue, 304/207 Fifth Avenue, 401/207 Fifth Avenue and 403/207 Fifth Avenue, 205/196 Sixth Avenue, 302/196 Sixth Avenue, 201/210 Sixth Avenue, 204/210 Sixth Avenue and 306/210 Sixth Avenue.

The LTB amended the application to correct an error in the number of units identified in the complex, from 94 originally to 92, and as a result, the maximum increase above the guideline, as claimed in the Landlord's application, was recalculated and changed from 3.57% originally to 3.65%, as appropriate.

At the Case Management Hearing the parties agreed to the following:

1. The maximum rent increase above the guideline because of capital expenditures is 2.50%. This increase is for the following capital expenditures:
 - a. Control Entry and Camera System;
 - b. Plumbing Fixture Retrofit; and
 - c. Balcony and Building Exterior Repairs.
2. Where the Landlord's application requests an increase of 3.65% the maximum increase above the guideline for these units is 2.50%. This increase is to be taken in the first year.
3. The weighted useful life for the capital expenditures is 12 years.
4. The first effective date of the rent increase above the guideline is May 1, 2024.
5. The Landlord has confirmed that they will calculate and increase the rent charges, as required, but will not collect the AGI-related rent increase amounts owing from Tenants affected by this order for the 24-month period from the First Effective Date, and specifically, for AGI-related rent increase amounts related to the period from May 1, 2024 to April 30, 2026; and thereafter, starting May 1, 2026, all AGI-related rent increase charges, for the units affected by this order, will be calculated, compounded, applied and collected by the Landlord without any further adjustment, in compliance with the order, including Schedule 3 – Rent Reduction related to Capital Expenditures, and pursuant to lawful notice.
6. The Landlord's reconciliation documents provided to each of the Tenants affected by this order will clearly identify and reflect the value and the impact of this 24-month AGI-related rent increase adjustment amount, inclusive of any rent credit for overpayments as appropriate, as offered by the Landlord, and as set out in paragraph 5 above.

On consent of the parties, it is ordered that:

1. The Landlord may increase the rents charged by 2.50% for the units set out in Schedule 1.
2. The percentage increase set out in paragraph 1 is to be taken as follows:
 - a. The Landlord may increase the rents charged by 2.50% within the time period of May 1, 2024 to April 30, 2025.
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 90 days of the date of this order.

May 19, 2026
Date Issued

Janice Campbell
Dispute Resolution Officer, 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 free at 1-888-332-3234.

Important Notes:

1. The Landlord 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 tenant moved in, and if the Landlord has given the Tenant at least 90 days proper Notice of Rent Increase. Any part of the ordered increase that is not taken within the time period specified cannot be added to subsequent rent increases in subsequent time periods.
2. If the Landlord has given the Tenant 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.
3. 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. Refer to Schedule 3 for information about the date and amount of the rent reduction.
4. The annual guideline for 2024 is 2.50% and for 2025 is 2.50%.

Schedule 1 - Units affected by this Order:

195 Fifth Avenue, Kitchener, Ontario, N2C 1P6

101	203	306
102	204	402
103	205	403
104	301	404
201	302	405
202	305	406

196 Sixth Avenue, Kitchener, Ontario, N2C 1R3

101	203	402
103	204	403
104	206	404
105	301	406
201	303	
202	305	

207 Fifth Avenue, Kitchener, Ontario, N2C 1P6

101	203	306
102	204	402
104	301	404
105	302	405
201	305	406

210 Sixth Avenue, Kitchener, Ontario, N2C 1R3

101	205	401
102	301	403
103	302	405
104	303	406
105	304	
202	305	

Schedule 2 - Tenants who are Affected by this Order:

Albania, Luzviminda
Andemeskel, Daniel
Angst, Jeffrey
Araia, Kibrom
Atkinson, Jennifer
Beaulne, Paul K
Berube, Rita
Bruder, Jessica
Cana, Carlos Jr.
Chanthalyma, Vanna
Ciervo, Isaia
Cumming, Mariella
Demerchant, Dianne
Denison, Martin
Djakovic, Radmila
Durst, Kristine
Febrada, Bernadette
Felix, Rachel
Fields, Brandon
Frenette, Lela
Griffin, Matthew
Gustave, Sydney
Habtemariam, Haregu
Haile, Gedit
Haile, Yacob
Hamoud, Mohammad
Hartrick, Mary
Heinrichs, Keith
Hernandez, Estella
Hernandez, Santos
Higgins, Roxanne
Hotham-Cox, Shaughn
Hoxha, Ismet
Jacklin, David
Jackman, Morgan
Jensen, Angela

Khadoo, Rakesh
Klein, Darlene
Lacelle, Kyle
Leal, Lindsay
Loureiro, Sylvia
MacKenzie, Jennifer
Mamo, Senait
Martz, Nancy
May, Kevin
Mcdonald, Elizabeth
Melles, Berhane
Merr, Sarah Jane
Merry, Brad
Mohamad, Yasin
Montesa, Philip
Nosal, Linda
Novak, Josephine
Oluwabukunmi, Idowu
Parsons, William
Perez, Rebeca
Roberts, Joyce
Roussel, Linda
Savidant, Helen
Secours, Michelle
Sheppard, James
Stahlbaum, Jordan
Stever, Andrea
Stocker, Byron
Street, Annette
Szalay, Beata
Szalay, Krisztina
Tanner, Thomas
Tavares, Fernando
Tremain, Lance
Vasylenko, Serhii
Willemsma, Harry

Schedule 3 - Rent Reduction related to Capital Expenditures

A. Date of Rent Reduction

If the Tenant's rent is increased based on capital expenditures during 2024 then:

The date of the rent reduction will be the day before:

- The date of the Tenant's first rent increase under this order, plus
- The number of years for the weighted useful life for capital expenditures for the unit (set out in the order).

Example:

If the Tenant's rent was increased on June 1, 2021 and the weighted useful life for capital expenditures is 10 years, then the rent will be reduced on May 31, 2031.

If the Tenant's rent was *not* increased based on capital expenditures during 2024 but was increased during the later periods set out in the order then:

The date of the rent reduction will be the day before:

- The First Effective Date of Rent Increase in this order, plus
- The number of years for the weighted useful life for capital expenditures for the unit (set out in the order).

Example:

If the first effective date of increase in this order is April 1, 2021 and the weighted useful life for capital expenditures is 10 years, then the rent will be reduced on March 31, 2031.

B. Amount of Rent Reduction

If the Tenant's rent is increased by the total percentage increase set out in this order then:

The rent must be reduced by the total percentage increase set out in this order for capital expenditures.

If the Tenant's rent is *not* increased by the total percentage increase set out in this order then:

The rent must be reduced by an amount determined in accordance with the prescribed rules which may be equal to or less than the total percentage increase set out in this order for capital expenditures.