



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

Citation: Boardwalk General Partnership v Dimma, 2026 ONLTB 40813

Date: 2026-05-26

File Number: LTB-L-083028-23

In the matter of: 165 Emery Street West, London, Ontario, N6J 4E8
175 Emery Street West, London, Ontario, N6J 4E9

Between: Boardwalk General Partnership Landlord

And

Refer to attached Schedule 2 Tenants

Boardwalk General Partnership (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 a written hearing. No submissions were received from the Tenants.

The Certificate of Service filed by the Landlord on December 9, 2025, 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 units:

165 Emery Street West: 104, 107, 210, 306, 310, 314, 406, 408, 411, 511, 514, 515, 603, 607, 701, 703, 711, 712, 807, and 811.

175 Emery Street West: 201, 204, 209, 305, 307, 310, 311, 401, 404, 405, 409, 507, 604, 611, 701, 704, 707, and 708.

The Certificate of Service filed by the Landlord on December 9, 2025, indicates that some tenants 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 tenants. As a result, this order for a rent increase above the guideline under section 126 of the Act does not apply to the following tenants: Melissa Breckenridge.

It is determined that:

1. I find that the Landlord has justified a rent increase above the guideline because the Landlord incurred an eligible capital expenditure for the residential complex or one or more of the rental units in it.

THE DEFINITION OF CAPITAL EXPENDITURE

2. The Landlord must lead evidence to establish that each of the capital expenditures claimed meets the definition of "capital expenditure" as set out in s. 18(1) of the regulation. It says:

"capital expenditure" means an expenditure for an extraordinary or significant renovation, repair, replacement or new addition, the expected benefit of which extends for at least five years including,

- a. an expenditure with respect to a leased asset if the lease qualifies as determined under subsection (2), and
- b. an expenditure that the landlord is required to pay on work undertaken by a municipality, local board or public utility, other than work undertaken because of the landlord's failure to do it,

but does not include,

- c. routine or ordinary work undertaken on a regular basis or undertaken to maintain a capital asset in its operating state, such as cleaning and janitorial services, elevator servicing, general building maintenance, grounds-keeping and appliance repairs, or
- d. work that is substantially cosmetic in nature or is designed to enhance the level of prestige or luxury offered by a unit or residential complex;

"ELIGIBLE" CAPITAL EXPENDITURES

3. In addition to meeting the definition of capital expenditure, each of the Landlord's claimed items must be an "eligible" capital expenditure.
4. Subsections 126(7) and (8) of the Act say:

(7) Subject to subsections (8) and (9) and except under the prescribed circumstances, a capital expenditure is an eligible capital expenditure for the purposes of this section if,

- a. it is necessary to protect or restore the physical integrity of the residential complex or part of it;
- b. it is necessary to comply with subsection 20 (1) or clauses 161 (a) to (e);

- c. it is necessary to maintain the provision of a plumbing, heating, mechanical, electrical, ventilation or air conditioning system;
- d. it provides access for persons with disabilities;
- e. it promotes energy or water conservation; or
- f. it maintains or improves the security of the residential complex or part of it.

(8) A capital expenditure to replace a system or thing is not an eligible capital expenditure for the purposes of this section if the system or thing that was replaced did not require major repair or replacement, unless the replacement of the system or thing promotes,

- g. access for persons with disabilities;
- h. energy or water conservation; or
- i. security of the residential complex or part of it.

THE 18-MONTH WINDOW

- 5. Pursuant to s. 26(2) of the regulation a rent increase shall not be ordered in respect of a capital expenditure unless the work was completed during the 18-month period ending 90 days before the effective date of the first intended rent increase referred to in the application. In this case the 18-month window is from May 3, 2022 to November 3, 2023.
- 6. The expenditure must also be "incurred" which essentially means the work must have been paid for prior to the application being filed. This is not an issue with respect to any of the items claimed in this application.

THE USEFUL LIFE

- 7. If the expenditure meets the requirements set out above, then the Board must establish the useful life of the work done in order to calculate the allowable increase.
- 8. Section 27 of the regulation says:

27. (1) The useful life of work done or a thing purchased shall be determined from the Schedule subject to the following rules:

- a. Where the useful life set out in Column 3 of the Tables in the Schedule is less than 10 years, the useful life of work done or a thing purchased shall be deemed to be 10 years.

- b. If, when a thing is purchased, it has previously been used, the useful life of the thing shall be determined taking into account the length of time of that previous use.
- c. If the work done or thing purchased does not appear in the Schedule, the useful life of the work or thing shall be determined with reference to items with similar characteristics that do appear in the Schedule.
- d. Despite paragraphs 2 and 3, for the purposes of making a finding under this section, the useful life of work done or a thing purchased shall not be determined to be less than 10 years.

(2) If the useful life of work done or a thing purchased cannot be determined under subsection (1) because the work or thing does not appear in the Schedule and no item with similar characteristics appears in the Schedule, the useful life of the work or thing shall be what is generally accepted as the useful life of such work or thing but in no case shall the useful life be determined to be less than 10 years.

Capital Expenditure

- 9. The Landlord justified a rent increase above the guideline because of capital expenditures.
- 10. The maximum rent increase above the guideline because of a capital expenditure is 1.79%.
- 11. The Landlord's application is for the following capital expenditure:
 - a. Roof Replacement in Buildings 165 Emery Street West and 175 Emery Street West.

Capital Expenditure #1: Roof Replacement in Buildings 165 and 175

- 12. The Landlord submits that roof replacement in Buildings 165 and 175 were necessary as "the roof of building 165 and building 175 were inspected and found to be in poor condition, including significant leaks". The scope of work included roof repairs at the two buildings. The Landlord submits that these items are "eligible" under subsection 126(7)(a) as it is necessary to protect or restore the physical integrity of the residential complex, and 126(7)(b) as the work was necessary to comply with subsection 20(1). The cost claimed in this capital expenditure is \$508,971.21.

Units Affected

- 13. Prior to the commencement of the written hearing, the Board issued a deficiency letter requesting further information from the Landlord regarding which units were affected by the capital expenditures.

14. The Landlord, in its reply, requested to amend to the application “as all the units benefit from the capital expenditure work”.
15. Given roofs at both complexes were repaired, I am satisfied that all units are affected, and it is appropriate to include all units in calculating the above guideline increase. The apportioned increase granted will only apply to those units covered by the application.
16. Accordingly, I’m satisfied that the roof replacement meets the definition of capital expenditure contained in subsection 18(1) of the O.Reg 516/06 as it was a significant repair and replacement, the expected benefit of which extends for at least five years. It also meets the test for eligibility under subsections 126(7)(a) as the work was necessary to protect or restore the physical integrity of the residential complex or part of it, and 126(7)(b) as the work was necessary to comply with subsection 20(1).
17. The cost of this capital expenditure is \$508,971.21.
18. The useful life of this capital expenditure is 25 years.

It is Ordered that:

1. The Landlord may increase the rents charged by 1.79% 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 1.79% within the time period of February 1, 2024 to January 31, 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 26, 2026
Date Issued

Andrew Laurich
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 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.
2. 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.
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 2023 is 2.50%, for 2024 is 2.50%, for 2025 is 2.50% and for 2026 is 2.10%.

Schedule 1 - Units affected by this Order:

165 Emery Street West, London, Ontario, N6J 4E8

102	209	404	507	612	802
108	211	405	508	614	803
109	214	407	509	615	804
110	301	409	510	702	805
112	303	410	512	704	806
114	304	412	601	705	808
115	305	414	602	706	809
201	307	415	604	707	810
202	309	501	605	708	812
203	311	502	606	709	814
204	312	503	608	710	815
205	315	504	609	714	
207	401	505	610	715	
208	402	506	611	801	

175 Emery Street West, London, Ontario, N6J 4E9

102	111	303	408	509	610
103	203	304	410	510	702
104	205	306	411	602	703
105	206	308	501	603	705
107	207	309	502	605	709
108	208	402	503	606	710
109	211	403	505	607	
110	302	407	506	608	

Schedule 2 - Tenants who are Affected by this Order:

Aasar, Riyad	Dockstader, Bridget	Lalonde, Edna
Abernethy, Eric	Donald, William	Laycock, Arlene
Aguiar, Sheila	Farrer, Bruce	Legge, Aimee
Anderson, Paul Michael	Farrer, Lindsay	Lilliman, Beverly
Andrews, Jim	Ferris, Catherine	Lounds, Kent
Antille, Mary	Fleming, Stephen	Mackenzie, Kim
Antone, Lorrie	Forsyth, Judy	Mackenzie, Richard
Antone, Tristan	Forsyth, Shelley	Mackintosh, Kevin
Aregbe, Doris	Fraser, Helen	MacIennan, Karen
Arul Chandrasekar, Alpho	Galati, Carmen	Maddeford, Heather
Bakker, Alissa	Gamble, Marlene	Mapes, Claudia
Barker, Mary Ann	Gascho, Christopher	Mapes, Lloyd
Barton, Alan	Gavin, Daniel	Mcallister, Brett
Bello, Yuridra	Getchell, Hilary	Mccardle, Bill
Bester, Sean	Gongora, Diego	Mccarty, Kathy
Bilicky, Andrew	Gongora, Sandra	Mcelroy, Don
Birch, Kaitlin	Groenveld, Matthew	Mcelroy, Wendy
Black, Robert	Haile, Ghirmay	Mcfadyen, Heather
Boe, Eric	Haines, Janine	Medina, Candy
Bowman, Blake	Halak, Rabiah	Medina, Jasmin
Brennan, Mallory	Hartwick, Brian	Metcalf, Bobbie Jo
Brennan, Mark	Hartwick, Taylor	Miller, Dustin
Broad, Rosanna	Hasebenebi, Hiruy	Miller, James
Brown, Diane	Hayashida, Brennen	Mills, Rob
Buckner, Lorrie	Hernandez, Roberto	Mitchell, Catherine
Bustard, Katie	Heyda, Chris	Miuhammed, Felek
Cairns, Mary	Heyda, Kimberly	Moniz, Eusebio
Camara, Fatoumata	Holmes, Jamie	Monoogian, Mathew
Campbell, Nancy	Hong, Sungchul	Moussa, Fatima
Carr, Daniel	Horseman, Stephen	Moutheros, Nick
Casanova, Jose	House, Susan	Mueller, James
Casanova, Natalia	Hrib, Robin	Muhammed, Rustem El
Charron, Monica	Hudson, Jennifer	Mujica, Elsa
Colquhoun, Eric	Hutton, Jennifer	Muller, George
Cooney, Jodi	Ireland, Peter	Myers, Jeremie
Copland, Lisa	Isleno, Santos	Myers, Shanakay
Crosby, Makhi	Jackson, Hayley	Naylor, Kirsty
D'Sa, Rachel	James, Angus	Nickerson, Linda
Daugharty, Chelsey	James, John	Nowosielski, Chris
Daugharty, Virginia	Janssen, Colin	Oliveira, Sergio
Dejanovic, Ljiljana	Jesso, Katherine	Park, Injung
Deramaix, Ashley Janine	Joosten, Jennifer	Perry, Andrew
Desmarais, Ryan	Komara, Mabendu	Phillips, Cindy
Dimma, Dorothy-Ann	Kromah, Sekou	Pino, Brittany

Richards, Eileen
Ricker, Melanie
Riordan, Cheryl
Salazar, Elvira
Sbhatu, Tsion
Schmidt, Nathan
Sedge, Jim
Seneca, Cody
Seneca, Regan
Sims, Christina
Sinclair, Christopher
Sitter, Carla

Sitter, Jessica
Smith, Kathy
Stabler, Aili
Sylva, Nadine
Tavares, Anna
Tellez, Roger
Terpstra, Ethan
Trejos Hernandez, Lina
Tremblay, Dale
Tremblay, Sharon
Vanhorik, Rachel
Van Horik, Silvia

Villeneuve, Jeffery
Wall, Naomi
Wallace, Wanda
Webber, Sandra
Whynot, Maida
Wilson, Steven
Wood, Lisa
Woods, Calvin
Woods, Joanne
Younis, Christopher

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 the period 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 this 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 the period 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 this 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.