



Order under Section 126 Residential Tenancies Act, 2006

File Number: LTB-L-036361-25

In the matter of: 5 Elm Avenue, Toronto, Ontario, M4W 1N1
11 Elm Avenue, Toronto, Ontario, M4W 1N2

Between: O'Shanter Development Company Ltd Landlord

and

Refer to attached Schedule 2 Tenants

O'Shanter Development Company 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 (CMH) was held for this application by videoconference on April 13, 2026.

The following parties attended the CMH: The Landlord's agents, Jonathan Krehm, Lindsay Goldberg and Santiago Medina, the Tenants in attendance were: Lucas Silveira (Unit 0103), Rosalind Share (0202), Lindsay Cubberley & Raymond Esteves (both 0209), Ziv Aharoni (0215), Mary Joan Barrington (0311), Lisa Schlomer (0403), Vanessa Hoey (0408), Dallas Christopher (0415), Susan E. Gilmour (0125), Samantha Sherman (0318), Lala N. Loon (0322), Ihor Prociuk (0328), Edward Jackson (0329), and John Tse (0424).

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

5 Elm Avenue: Units 0107, 0203, 0301, 0305, 0412, and 0416;
11 Elm Avenue: Units 0217, 0223, 0321, 0324, and 0327.

At the Case Management Hearing, the parties agreed to the following claim for capital expenditures:

1. The maximum rent increase above the guideline because of capital expenditures is **0.38%**. This increase is for the following capital expenditures:
 - a. New appliances;
 - b. Stairwell railings replacement;

- c. New roof exhaust fan;
 - d. Repairs to air shaft;
 - e. New vacuum cleaner;
 - f. Replace drain;
 - g. Replace underground waterproofing;
 - h. Exterior light fixtures;
 - i. Replace shutoff valves;
 - j. New expansion tank;
 - k. Boiler repairs; and
 - l. Front door lock replacement.
2. The Landlord agreed to remove the following as capital expenditure items from the application:
- a. New appliances;
 - e. New vacuum cleaner;
 - f. Replace drain;
 - h. Exterior light fixtures;
 - i. Replace shutoff valves;
 - j. New expansion tank; and
 - l. Front door lock replacement.
3. Where the Landlord's application requests an increase of 0.48%, the maximum increase above the guideline is 0.38%. This increase is to be taken as follows: 0.38% in the first year.
4. Where the Landlord's application requests an increase of 0.42%, the maximum increase above the guideline is 0.35%. This increase is to be taken as follows: 0.35% in the first year.
5. Where the Landlord's application requests an increase of 0.41%, the maximum increase above the guideline is 0.35%. This increase is to be taken as follows: 0.35% in the first year.
6. Where the Landlord's application requests an increase of 0.29%, the maximum increase above the guideline is 0.25%. This increase is to be taken as follows: 0.25% in the first year.
7. The weighted useful life for the capital expenditures is as specified on Schedule 3.
8. The first effective date of the rent increase above the guideline is August 1, 2025.
9. 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.

It is ordered on consent of the parties that:

1. The Landlord may increase the rents charged by the percentage increases and within the time periods set out in Schedule 3.
2. The percentage increase set out in Schedule 3 may be taken in addition to the annual guideline in effect on the increase date for the unit.
3. 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.

June 3, 2026

Date Issued

Oluwatobi Abobarin

Oluwatobi Abobarin

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 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. 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 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 4 for information about the date and amount of the rent reduction.
4. The annual guideline for 2025 is 2.50%, and for 2026 is 2.10%.

Schedule 1 - Units affected by this Order:**5 Elm Avenue, Toronto, Ontario, M4W 1N1**

0001	0201	0308
0002	0202	0310
0003	0204	0311
0004	0205	0312
0005	0206	0314
0006	0207	0315
0007	0208	0316
0101	0209	0401
0102	0210	0402
0103	0211	0403
0105	0212	0404
0106	0214	0405
0108	0215	0406
0109	0231	0407
0110	0302	0408
0111	0303	0409
0112	0304	0410
0114	0306	0414
0115	0307	0415

11 Elm Avenue, Toronto, Ontario, M4W 1N2

0117	0220	0328
0118	0221	0329
0119	0222	0330
0120	0224	0331
0121	0225	0418
0122	0226	0419
0123	0227	0420
0124	0228	0421
0125	0229	0422
0126	0317	0424
0127	0318	0425
0128	0319	0426
0129	0320	0427
0130	0322	0428
0216	0323	0429
0218	0325	0430
0219	0326	0431

Schedule 2 - Tenants who are Affected by this Order:

Aharoni, Ziv	Greenham, Karen	Nagy, Edit
Albano, Michael	Grimes, Jim	Narciso, Prince
Alianak, Hrant	Gunhouse, David	Nikitina, Elena
Anderson, Michael D.	Gunhouse, Susan	Ort, David
Austin, Lesina	Halldorson, Laragh	Paier, Alexander
Bale, Donald Jeffrey	Hamburgh, Renata	Peer, James
Barnes, Albert	Harold-Teskey, Darlene	Petrovic, Zoran
Barrington, Mary Joan	Heipel, Steven	Platero, Jose
Bartlett, Christine	Heppler, Kimberley	Portoraro, Mario
Bassan, Hardeep	Higginson, Meaghan	Pracepa, Irena
Bennett, Diana	Hoey, Vanessa	Prociuk, Ihor
Bernier, Nadia	Howard, Deidre	Pusnik, Courtney
Betancur, Jairo	Huntington, Robert	Raghubar, Christopher
Blais, Ellen M	Jackson, Edward	Reid, Lindsay
Brough, Dorothy J.	Jones, Jaelyn	Robertson, Pauline F
Carley, David	Kelly, Catriona	Robledo Richards,
Carson, Andrea	Kennedy, Lynn	Katya
Caxaj, Victor	Kohne, Michael Dan	Royes, Edward
Chan, Allan	Kostadinova, Tsvetelina	Rumm, Susan
Cheema, Ginni	Laverty, Brianne	Sabourin, Paul
Christopher, Dallas	Lee, Isabelle	Sajnani, Ronica
Clark, Timothy	Lempert, Jeremy	Schlomer, Lisa
Clowes, Andrew Alastair	Loon, Lala N.	Scythes, John Bruce
Cummings, Jemima	MacDonald, Janice	Share, Rosalind
De Gregorio, Frank	Macintosh, Lana	Sherman, Samantha
De Haney, Judith	Mahajan, Malti	Silveira, Lucas
Delos Reyes, Czarina	Martin, Peter	Simoni, Madeleine
Dollard, Maureen	Martins, Emanuel	Smirnovs, Eduards
Du Maresq, Michele	McClure, Penelope	Springate, Wendy
Edwards, G Russell	McConville, Aileen L.	Sudenis, Natasha
Erdman, Lindsay	McDonald, Kaja	Tayara, Mountaser
Esteves, Raymond	McLister, Andrea	Terzian, Nareg Raphael
Franklin, Nancy M.	McMillan, Heather	Teskey, John
Fujisawa, Kazuko	Meretsky, Laurie	Tse, John
Fung, Kai-San	Merritt, Lance	Viola, Joseph
Gebremichael, Melhik	Metelsky, Lynda	Vondercrone, Dana
Gelman, Anatoly	Milburn, Brent	Waffle, Emily
Gerrard, Marie	Mitchell, Caitlin	Walter, Deborah
Gilmour, Susan E	Mlynarska, Sylwia	Ward, Kenneth
Gledhill, Christopher	Molavi, Pooneh	Wilding, Patricia
Goodman, Yolanka	Moradi, Mohammad	Williams, Michael Lee
Grant, Jean Hilary	Moreno, Raul	Zarowsky, Michael
Gravelle, James	Nagy, Anna	Zarowsky, Wendy

Schedule 3 - Ordered Rent Increase Above the Guideline**First Effective Date of Rent Increase in this Order is August 1, 2025**

The Landlord may increase the rent charged for the units affected by this order by the total percentages set out below and within the time periods set out below. These percentage increases may be taken in addition to the annual guideline in effect on the increase date for the unit.

	For the Period of August 1, 2025 to July 31, 2026			
Rental Unit Address	% inc for Cap Exp (Max 3%)	Total Increase (Excludes Guideline)	Weighted Useful Life	Total % for Cap Exp
0001, 5 Elm Avenue	0.38%	0.38%	14	0.38%
0002, 5 Elm Avenue	0.38%	0.38%	14	0.38%
0003, 5 Elm Avenue	0.38%	0.38%	14	0.38%
0004, 5 Elm Avenue	0.38%	0.38%	14	0.38%
0005, 5 Elm Avenue	0.38%	0.38%	14	0.38%
0006, 5 Elm Avenue	0.38%	0.38%	14	0.38%
0007, 5 Elm Avenue	0.35%	0.35%	13	0.35%
0101, 5 Elm Avenue	0.38%	0.38%	14	0.38%
0102, 5 Elm Avenue	0.38%	0.38%	14	0.38%
0103, 5 Elm Avenue	0.38%	0.38%	14	0.38%
0105, 5 Elm Avenue	0.38%	0.38%	14	0.38%
0106, 5 Elm Avenue	0.38%	0.38%	14	0.38%
0108, 5 Elm Avenue	0.38%	0.38%	14	0.38%
0109, 5 Elm Avenue	0.25%	0.25%	14	0.25%
0110, 5 Elm Avenue	0.38%	0.38%	14	0.38%
0111, 5 Elm Avenue	0.38%	0.38%	14	0.38%
0112, 5 Elm Avenue	0.25%	0.25%	14	0.25%
0114, 5 Elm Avenue	0.38%	0.38%	14	0.38%
0115, 5 Elm Avenue	0.38%	0.38%	14	0.38%
0201, 5 Elm Avenue	0.38%	0.38%	14	0.38%
0202, 5 Elm Avenue	0.38%	0.38%	14	0.38%
0204, 5 Elm Avenue	0.38%	0.38%	14	0.38%
0205, 5 Elm Avenue	0.38%	0.38%	14	0.38%
0206, 5 Elm Avenue	0.38%	0.38%	14	0.38%
0207, 5 Elm Avenue	0.38%	0.38%	14	0.38%
0208, 5 Elm Avenue	0.38%	0.38%	14	0.38%
0209, 5 Elm Avenue	0.38%	0.38%	14	0.38%
0210, 5 Elm Avenue	0.38%	0.38%	14	0.38%

	For the Period of August 1, 2025 to July 31, 2026			
Rental Unit Address	% inc for Cap Exp (Max 3%)	Total Increase (Excludes Guideline)	Weighted Useful Life	Total % for Cap Exp
0211, 5 Elm Avenue	0.38%	0.38%	14	0.38%
0212, 5 Elm Avenue	0.38%	0.38%	14	0.38%
0214, 5 Elm Avenue	0.38%	0.38%	14	0.38%
0215, 5 Elm Avenue	0.38%	0.38%	14	0.38%
0231, 5 Elm Avenue	0.38%	0.38%	14	0.38%
0302, 5 Elm Avenue	0.38%	0.38%	14	0.38%
0303, 5 Elm Avenue	0.38%	0.38%	14	0.38%
0304, 5 Elm Avenue	0.38%	0.38%	14	0.38%
0306, 5 Elm Avenue	0.38%	0.38%	14	0.38%
0307, 5 Elm Avenue	0.35%	0.35%	13	0.35%
0308, 5 Elm Avenue	0.38%	0.38%	14	0.38%
0310, 5 Elm Avenue	0.38%	0.38%	14	0.38%
0311, 5 Elm Avenue	0.38%	0.38%	14	0.38%
0312, 5 Elm Avenue	0.38%	0.38%	14	0.38%
0314, 5 Elm Avenue	0.38%	0.38%	14	0.38%
0315, 5 Elm Avenue	0.38%	0.38%	14	0.38%
0316, 5 Elm Avenue	0.38%	0.38%	14	0.38%
0401, 5 Elm Avenue	0.38%	0.38%	14	0.38%
0402, 5 Elm Avenue	0.38%	0.38%	14	0.38%
0403, 5 Elm Avenue	0.38%	0.38%	14	0.38%
0404, 5 Elm Avenue	0.38%	0.38%	14	0.38%
0405, 5 Elm Avenue	0.35%	0.35%	13	0.35%
0406, 5 Elm Avenue	0.38%	0.38%	14	0.38%
0407, 5 Elm Avenue	0.35%	0.35%	13	0.35%
0408, 5 Elm Avenue	0.35%	0.35%	13	0.35%
0409, 5 Elm Avenue	0.38%	0.38%	14	0.38%
0410, 5 Elm Avenue	0.38%	0.38%	14	0.38%
0414, 5 Elm Avenue	0.38%	0.38%	14	0.38%
0415, 5 Elm Avenue	0.38%	0.38%	14	0.38%
0117, 11 Elm Avenue	0.38%	0.38%	14	0.38%
0118, 11 Elm Avenue	0.38%	0.38%	14	0.38%
0119, 11 Elm Avenue	0.35%	0.35%	13	0.35%
0120, 11 Elm Avenue	0.38%	0.38%	14	0.38%
0121, 11 Elm Avenue	0.38%	0.38%	14	0.38%
0122, 11 Elm Avenue	0.38%	0.38%	14	0.38%

	For the Period of August 1, 2025 to July 31, 2026			
Rental Unit Address	% inc for Cap Exp (Max 3%)	Total Increase (Excludes Guideline)	Weighted Useful Life	Total % for Cap Exp
0123, 11 Elm Avenue	0.38%	0.38%	14	0.38%
0124, 11 Elm Avenue	0.38%	0.38%	14	0.38%
0125, 11 Elm Avenue	0.38%	0.38%	14	0.38%
0126, 11 Elm Avenue	0.38%	0.38%	14	0.38%
0127, 11 Elm Avenue	0.38%	0.38%	14	0.38%
0128, 11 Elm Avenue	0.38%	0.38%	14	0.38%
0129, 11 Elm Avenue	0.38%	0.38%	14	0.38%
0130, 11 Elm Avenue	0.38%	0.38%	14	0.38%
0216, 11 Elm Avenue	0.38%	0.38%	14	0.38%
0218, 11 Elm Avenue	0.38%	0.38%	14	0.38%
0219, 11 Elm Avenue	0.38%	0.38%	14	0.38%
0220, 11 Elm Avenue	0.38%	0.38%	14	0.38%
0221, 11 Elm Avenue	0.38%	0.38%	14	0.38%
0222, 11 Elm Avenue	0.38%	0.38%	14	0.38%
0224, 11 Elm Avenue	0.38%	0.38%	14	0.38%
0225, 11 Elm Avenue	0.35%	0.35%	13	0.35%
0226, 11 Elm Avenue	0.38%	0.38%	14	0.38%
0227, 11 Elm Avenue	0.38%	0.38%	14	0.38%
0228, 11 Elm Avenue	0.38%	0.38%	14	0.38%
0229, 11 Elm Avenue	0.38%	0.38%	14	0.38%
0317, 11 Elm Avenue	0.38%	0.38%	14	0.38%
0318, 11 Elm Avenue	0.38%	0.38%	14	0.38%
0319, 11 Elm Avenue	0.38%	0.38%	14	0.38%
0320, 11 Elm Avenue	0.38%	0.38%	14	0.38%
0322, 11 Elm Avenue	0.38%	0.38%	14	0.38%
0323, 11 Elm Avenue	0.38%	0.38%	14	0.38%
0325, 11 Elm Avenue	0.38%	0.38%	14	0.38%
0326, 11 Elm Avenue	0.38%	0.38%	14	0.38%
0328, 11 Elm Avenue	0.38%	0.38%	14	0.38%
0329, 11 Elm Avenue	0.38%	0.38%	14	0.38%
0330, 11 Elm Avenue	0.38%	0.38%	14	0.38%
0331, 11 Elm Avenue	0.38%	0.38%	14	0.38%
0418, 11 Elm Avenue	0.38%	0.38%	14	0.38%
0419, 11 Elm Avenue	0.38%	0.38%	14	0.38%
0420, 11 Elm Avenue	0.38%	0.38%	14	0.38%

	For the Period of August 1, 2025 to July 31, 2026			
Rental Unit Address	% inc for Cap Exp (Max 3%)	Total Increase (Excludes Guideline)	Weighted Useful Life	Total % for Cap Exp
0421, 11 Elm Avenue	0.38%	0.38%	14	0.38%
0422, 11 Elm Avenue	0.25%	0.25%	14	0.25%
0424, 11 Elm Avenue	0.38%	0.38%	14	0.38%
0425, 11 Elm Avenue	0.38%	0.38%	14	0.38%
0426, 11 Elm Avenue	0.38%	0.38%	14	0.38%
0427, 11 Elm Avenue	0.38%	0.38%	14	0.38%
0428, 11 Elm Avenue	0.38%	0.38%	14	0.38%
0429, 11 Elm Avenue	0.38%	0.38%	14	0.38%
0430, 11 Elm Avenue	0.38%	0.38%	14	0.38%
0431, 11 Elm Avenue	0.35%	0.35%	13	0.35%

Schedule 4 - 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 2025 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 Schedule 3).

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 2025 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 Schedule 3).

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.