



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

**File Number:** LTB-L-034439-25

**In the matter of:** 335 Dunsdon Street, Brantford, Ontario, N3R 7K8

**Between:** Skyline Living Landlord

**And**

Refer to attached Schedule 2 Tenants

Skyline Living (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: Art and Brenda Laframboise – Unit 114, Marni Wagner – Unit 115, June Cutts – Unit 217, David Aziz – Unit 308, Margaret Beamish and Barbara Gillan – Unit 312, Benedict Craftchick – Unit 420, Madelaine Drake – Unit 423, Unit 506, Kristen James – Unit 524, Fred de Vries – Unit 607, Beverley Bowen Unit 611, Shawn Mill – Unit 612, Thomas and Trudy Sparks – Unit 622, Donna Potoczec – Unit 714, and Claudia Volpe – Unit 724, and Yvonne Carson – Unit 725.

**Preliminary Matters:**

***Landlord's Supporting Documents and the Notice of Hearing***

1. The Tenant residing in Unit 115, requested through their submission that the Landlord provide them with a response to their submissions including documentation to support their application.
2. The Tenants residing in Unit 115 and 714 submit that the Landlord acted contrary to the Act and the Canada Post Act by delivering the Notice of Hearing in the Canada Post mailbox and that they breached their privacy by including a list with Tenant names and rental units.
3. In an application for an above guideline increase due to an extraordinary increase in municipal taxes, the Landlord must provide evidence of their final tax amounts owing for the Reference and Base Year, and proof of payment. I am satisfied that the Landlord has done so in this instance.

4. The Landlord is also required to provide the Board with information about the affected Tenants including their names, rental unit, and rent amount for each affected rental unit.
5. The Landlord filed their Certificate of Service on March 3, 2026, noting that the Tenant was served on February 27, 2026 with the Notice of Written Hearing package, which includes their application, by leaving the documents in the mailbox where mail is normally delivered. This is expressly permitted by Rule 3 of the Landlord and Tenant Board Rules of Procedure and noted on the Landlord and Tenant Board Certificate of Service Form as one of the ways in which a document may be served on a Tenant. I cannot make any finding as it pertains to the Canada Post Act.
6. The Notice of Hearing contains information about how to access the application, supplementary evidence, in addition to how to participate in these proceedings. As such, the information needed to participate in these proceedings including information on how to obtain the Landlord's supporting materials was available to the Tenant.

**It is determined that:**

**Municipal Taxes and Charges**

7. 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).
8. The maximum rent increase above the guideline because of an extraordinary increase in the cost for municipal taxes and charges is 0.14%. This increase is to be taken in the first year.
9. The Certificate of Service filed by the Landlord on March 3, 2026, 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: 130, 403, 411, 419, 517, 604, 624 and 726.
10. The first effective date of the rent increase above the guideline is August 1, 2025.

### **“Extraordinary” Increase in Municipal Taxes and Charges**

11. The Tenants residing in Units 115, 217, 312, 423, and 607 made submissions questioning “Who decides what is “extraordinary”?” and how the calculations are done to determine if the increase in municipal taxes and charges is extraordinary. They challenge whether the increase is extraordinary.
12. For clarity, as set out in this order above, s. 28 of O. Reg. 516/06 provides that an increase in municipal taxes and charges is considered “extraordinary” if it is greater than the guideline plus 50% of the guideline. The Board calculates the increase in accordance with the rules set out under s. 29 and 31 of O. Reg. 516/06

### **Allocation of Costs**

13. The Tenant residing in Unit 115 questioned why some units were excluded from the application raising that this would result in unequal treatment among tenants.
14. The Landlord is not required to include all units as affected parties in their application. However, for the sake of clarity, the rules calculate the increase based on the total rent revenue of all units in the residential complex and then each unit is allocated a portion of the increase. Only affected units will actually receive the notice of rent increase.

### **Maintenance**

15. The Tenants residing in Units 308, 312, 423, 506, 612, 622, 714, and 725, submit that there are maintenance issues which they argue, support that the Landlord’s application should be dismissed. These issues are as follows:
  - a. It takes 45 seconds of running the tap before the water turns from cool to hot.
  - b. Water temperatures are also inconsistent and will either freeze or burn you.
  - c. Lime buildup dirties sinks and corrodes the dishwasher and dishes.
  - d. Exterior windows washed once in 9 years and missed level 3 row of units including Unit 308.
  - e. Building maintenance is understaffed and the hallways are undermaintained and/or not vacuumed leading to Tenants vacuuming to avoid trekking dirt into their rental unit..
  - f. Lighting out in front of building – Tenants told it is a wiring problem – theft from cars and coyotes on the front grass.
  - g. Lobby intercom system not working frequently, delivery items left on areas where they could be stolen.
  - h. Elevators being out of service – 1 was out of service for a month and both were out of service on several occasions for part or all of a day creating

- accessibility and safety concerns – on one occasion a paramedic was called to carry a resident to their rental unit.
- i. Dirty garbage chute room will attract unwanted pests.
  - j. In unit laundry washing machine not repaired by Landlord for nearly a year during which Tenant could not do laundry.
  - k. No smoking signs were removed by the Landlord and never put back up leaving a seating area at the back of the building an “eyesore” with “butts” scattered nearby.
  - l. Snow shovelling by Tenants in the parking lot creating safety issues.
  - m. Dirt/residue coming out of in-unit venting leaving residue on countertop.
  - n. Cold/hot air from hallway blowing into rental unit.
  - o. Garbage accumulation outdoors without pickup.
  - p. Fire alarm not functioning properly and not replaced promptly.
16. In reply, the Landlord submits that there are no outstanding or current orders requiring modifications or repairs to an elevator in the residential complex. They submit they maintain a contract of a third party contractor, Delta Elevators, to service the elevators as required. The Landlord submits they maintain the residential complex in compliance with health, safety, and housing standards. They submit that they are taking all reasonable steps to ensure repairs to exterior lighting are completed in a reasonable timeline.
17. Subsection 126(12) of the *Act* refers to serious, ongoing breaches of the Landlord’s maintenance obligations. I am not satisfied that maintenance issues raised by the Tenants, even if they remain outstanding, would rise to the level of a serious breach of the Landlord’s maintenance obligations. A disrepair problem that is not “serious” as that term is used under the *Act* is not relevant to these proceedings. However, the Tenant(s) is entitled to file their own applications at the Board in respect of these issues.

### **Financial Hardship**

18. The Tenants residing in Units 114, 217, 312, 423, 611, 724, and 725 submit that the Board should consider financial hardship to Tenants caused as a result of any increase granted due to reasons which include being on a fixed income with limited resources, and a risk to losing one’s home.
19. Pursuant to subsection 205(2) of the *Act* where the Board makes an order for a rent increase above the guideline and that order is made more than three months after the first effective date of a rent increase in the order, the Board may permit a tenant to pay the Landlord the amount owing in monthly instalments.
20. Given that this order will issue more than three months after the first effective date of the above guideline rent increase herein, I am permitting the Tenants residing in Units 114, 217, 312, 423, 611, 724, and 725 to pay any amounts owing to the date of the order in 6 monthly installments starting 30 days from the issuance date of this Order.

21. As always, if the Landlord is amenable to a longer repayment plan for those Tenants facing financial hardship that remains within the Landlord's discretion.

### **Out of Scope Submissions**

22. The Tenants residing in Units 114, 115, 217, 312, 420, 506, 524, 612, 622, 714, and 724 made submissions on matters which, while I understand are important to the Tenants, are not matters which the Act permits me to consider on the hearing of this application. The issues raised by the Tenants which are not relevant to my findings here are as follows:
- a. That taxes should be the responsibility of the Landlord/owner and included in rent.
  - b. The validity of Notice of Rent Increases received by affected Tenants.
  - c. What rent includes (i.e., parking, utilities, etc.).
  - d. That the annual guideline increase amount, based on CPI, should be intended to cover costs such as utilities, taxes, and maintenance.
  - e. That the Landlord and/or shareholders profit.
  - f. That the sought above guideline increase should be justified in light of rental market conditions.
  - g. That when asked why they are applying, the Landlord responded, "because we can" to which the Tenant responds, "just because you can does not mean you should".
  - h. No compensation given to Tenants when elevators are not working.
  - i. Items purchased / installed by the Landlord/owner, a gazebo and raised bed gardens, being a waste of money, improperly done, and/or being of no benefit to the Tenants.
  - j. Access to Landlord and/or "activities" or "events" at the residential complex since some Tenants have to travel from one building to another, navigating dark parking lots and go up curbs/steps and then return to their building in the residential complex.
  - k. Security issues at the residential complex where doors are propped open for hours after a Tenant has moved out, leaving the building vulnerable to strangers found sleeping on the couch in the community room or under stairwells or individuals entering the building to steal packages.
  - l. There is no resident manager at the Harris Place building and the office is never open during daytime hours which would be helpful for Tenants.
  - m. Painted "Circus like" hallways could be rectified with paint of a decent colour.
  - n. That "some of the items Skyline is claiming as an unusual expense are all part of normal maintenance" – including items such as garbage room floor, parking lot repair/repaving, and water softener.
  - o. Entry into a rental unit without proper notice.
  - p. Lack of collaboration and/or communication with Tenants on decisions which impact the building.

- q. Whether the Landlord, in applying for this above guideline increase, has acted “unfairly” or “morally” because people who can’t meet their obligations risk losing their home.
23. The legality of rent increases or even challenges to the lawful rent are not issues that are properly before the Board when it is considering a landlord’s L5 application. After an order is issued granting an L5 application, a landlord is entitled to demand that the tenant pay the approved above guideline rent increase only if the landlord has served the tenant with a valid N1 Form seeking the above guideline rent increase.
24. If a landlord has failed to serve N1s in the relevant time period then that becomes relevant to any dispute between the parties as to how much rent is outstanding. However, validity of the N1 Forms are not relevant to the L5 application itself. If the Tenants end 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 Tenants have the opportunity to argue that the N1s are invalid and the lawful rent is different than the Landlord is demanding. But none of that is properly the subject of a hearing of an L5 application.
25. Although the Tenants 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 for items which were noted above such as parking lot repair. 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 0.14% 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 shall pay to the Tenants any sum of money that is owed as a result of this order within 60 days of the date of this order.

5. The Tenants residing in units 114, 217, 312, 423, 611, 724, and 725 shall pay any amount owing to the Landlord as a result of this order in 6 monthly installments, beginning 30 days from the issuance date of this Order.
6. For all other Tenants, they shall pay to the Landlord any sum of money that is owed as a result of this order within 60 days of the date of this order.

**June 4, 2026**  
**Date Issued**

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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 2025 is 2.50% and for 2026 is 2.10%.

**Schedule 1 - Units affected by this Order:**

335 Dunsdon Street, Brantford, Ontario, N3R 7K8

|     |     |     |     |     |     |     |     |
|-----|-----|-----|-----|-----|-----|-----|-----|
| 103 | 132 | 223 | 318 | 416 | 513 | 611 | 706 |
| 104 | 203 | 224 | 319 | 417 | 514 | 612 | 707 |
| 105 | 204 | 225 | 320 | 418 | 515 | 613 | 708 |
| 106 | 205 | 226 | 322 | 420 | 516 | 614 | 711 |
| 107 | 206 | 227 | 323 | 422 | 518 | 615 | 712 |
| 108 | 207 | 303 | 324 | 423 | 519 | 616 | 713 |
| 111 | 208 | 304 | 325 | 424 | 520 | 617 | 714 |
| 113 | 211 | 305 | 326 | 425 | 522 | 618 | 715 |
| 114 | 212 | 306 | 327 | 426 | 523 | 619 | 716 |
| 115 | 213 | 307 | 404 | 427 | 524 | 620 | 717 |
| 116 | 214 | 308 | 405 | 503 | 525 | 622 | 718 |
| 117 | 215 | 311 | 406 | 504 | 526 | 623 | 719 |
| 118 | 216 | 312 | 407 | 505 | 527 | 625 | 720 |
| 119 | 217 | 313 | 408 | 506 | 603 | 626 | 722 |
| 120 | 218 | 314 | 412 | 507 | 605 | 627 | 723 |
| 121 | 219 | 315 | 413 | 508 | 606 | 703 | 724 |
| 129 | 220 | 316 | 414 | 511 | 607 | 704 | 725 |
| 131 | 222 | 317 | 415 | 512 | 608 | 705 | 727 |

**Schedule 2 - Tenants who are Affected by this Order:**

|                       |                          |                       |
|-----------------------|--------------------------|-----------------------|
| Airdrie, Ethel        | Cutts, Donald            | Johnson, Wayne        |
| Airdrie, Stanley      | Cutts, June              | Johnstone, Joyce      |
| Anastassakis, Bill    | D'Amato, Susan           | Joseph, Alban         |
| Armstrong, Carolyn    | Davies, Susan            | Joseph, Lorna May     |
| Ashbaugh, Jodie       | Dein, Klaus              | Katchschilo, Kathleen |
| Aziz, David           | Demisheva, Tamara        | Katschilo, Walter     |
| Baker, Anna Marie     | DeVries, Christina       | Kijas, Tekla          |
| Batista, Dominic      | de Vries, Fred           | Kilpatrick, Randall   |
| Batista, Jennifer     | Devries, Maria           | Kilpatrick, Susan     |
| Baxter, Christopher   | Di Felice, Dominic       | Kretschman, Doris     |
| Beal, Kenneth         | Dinsmore, Fred           | Laframboise, Arthur   |
| Beal, Laura Deborah   | Dinsmore, Karen          | Laframboise, Brenda   |
| Beamish, Margaret     | Drake, Madeline          | Laurie, Karen         |
| Bergey, Natalie       | Eccles, Eryl             | Layh, Jocelyn         |
| Berry, John           | Evans, Patricia          | Layh, Rudolf          |
| Berry, Lise           | Evans, Robert            | Lehtinen, Angela May  |
| Berube, Gilbert       | Fast, Thomas             | Lehtinen, Steve       |
| Blair, Raymond        | Ferris-Sills, Florence   | Lemieux, Jeannette    |
| Blair, Tove           | Forchuk, Mary            | Linnington, Dionda    |
| Blake, Mark Andrew    | Frieday, Leah            | Lovett, Joan          |
| Borman, Beverly       | Gause, Arlene            | Lovett, John          |
| Borman, Robert        | Gause, Douglas           | Lowery, Wayne         |
| Bosworth, Nicholas    | Genesiee, Krista         | Loziak, Mike          |
| Bowen, Beverley       | Gibson, Sandra           | MacFarlane, Ann       |
| Britton, Jason        | Gibson, William          | MacFarlane, Robert    |
| Broeckel, Mark        | Gilbert, Yvonne          | Macneil, Ann          |
| Brown, Collette       | Gillan, Barbara          | MacVicar, Catherine   |
| Brown, Scott          | Giuliano, Isabella       | MacVicar, John        |
| Brown, William (Troy) | Gonzalez, Jose           | Maich, Robert         |
| Butler, Gordon        | Gonzalez, Radmila        | Maich, Susan          |
| Calve, Alain          | Greenfield, Helen        | Marsden, Shirley      |
| Campbell, Bonnie      | Greenfield, Howard       | Martin, Nathan        |
| Campbell, Curtis      | Grinton, Elsie           | Martin, Robert        |
| Carson, Yvonne        | Haight, Diane            | McFarlane, Alecia     |
| Carter, Abby          | Hamilton, Helen          | McTaggart, Evelyn     |
| Chowhan, Heide        | Hampson, Gayle           | Menon, Anita          |
| Colby, Janet          | Harte, Gerard            | Mill, Shawn           |
| Cook, Robin           | Heys, Cheryl             | Mohr, Susan           |
| Copeland, Candice     | Ironside, Cynthia        | Molino, Elissa        |
| Coupland, Mary        | James, Kristen           | Moore, Madison        |
| Craftchick, Benedict  | Jenkins, Wayne (Bernard) | Mori, Richard         |
| Craftchick, Carol     | John, Jacob              | Moulton, Steven       |
| Curley, Coral         | John, Mariamma           | Nagle, Joseph         |
| Cutler, Albert        | Johnson, Judy            | Nasby, Rhonda         |

Neeve, Karen  
Neumann, Elizabeth  
Newsome, Christina  
Newsome, Lionel  
Norris, Barbra  
Norris, Harvey  
OFFICE, SKYLINE  
Ojo (ARM), Olanrewaju  
Osborne, Ashleigh  
Patterson, Brian  
Patterson, Christine  
Patterson, Lindsey  
Patterson, Victoria  
Pennell, Jennifer  
Pich, Elizabeth  
Pickett, Matthew  
Pigg, Thomas  
Pinnell, Virginia  
Porter, Bryan  
Porter, Tammy  
Potoczek, Donna  
Robinson, Valerie  
Robson, Timothy

Rodobolski, Sharon  
Salonga, Ruben  
Salonga, Shoni  
Savory, Marlene  
Schmidt, Gary  
Schmidt, Lynn  
Sharp, Brian  
Sharp, Donna  
Shepherd, Jim  
Shepherd, Patricia  
Siertsema, Harmiena  
Simpson, Maci  
Smale, Gail  
Smale, Gary  
Smith, Matthew  
Solak, Alija  
Solak, Anesa  
Sparks, Thomas  
Sparks, Trudy  
Speelziek, Jacob  
Stewart, Wendy  
Stone, Stephen  
Stoner, Jane

Stoner, Ralph  
Stuart, Ruth  
Stuart, Wilfred Malcolm  
Thompson, Marlene  
Todd, Judith  
Tosti, Diana  
Turner, Scottie  
Turton, Margaret  
Tyler, Taylor  
Vair, James  
Verhaeghe, Patricia  
Verrall, Daphne  
Verrall, David  
Volpe, Claudia  
Wagner, Marni  
Watson, Marilyn  
Weir, Marian  
whiting, Madison  
Wiggins, Clayton  
Wilson, Joyce  
Wood, Nigel  
Zelinski, Cassandra