



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

File Number: LTB-L-014470-26

In the matter of: 15 Sympatica Crescent, Brantford, ON, N3P 1K6
17 Sympatica Crescent, Brantford, ON, N3P 1K8

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: Jesse Hefferon – Unit 515 and Marie Frazee – Unit 611.

Preliminary Matters

The Order to Serve and Procedural Fairness

1. The Tenant residing in Unit 611 submits that the Board issued an order directing the Landlord to serve materials and that “the need for such an order raises concerns regarding compliance with the procedural requirements under the Act and the Rules.”.
2. For clarity, as a matter of procedural fairness, when a Notice of Hearing is issued by the Board, the Board will direct the Landlord, via the Order to Serve, to serve the Notice of Hearing and related documents on affected Tenants. The Order to Serve was issued on February 23, 2026 requiring the Landlord to serve the Notice of Hearing and related package of documents on affected Tenants by March 15, 2026. On March 10, 2026, the Landlord filed their Certificate of Service – Schedule of Parties which provides that on March 6, 2026, the Tenant residing in Unit 611 was served with the Notice of Hearing and related documents by placing the documents in the Tenants mailbox or place where mail is normally delivered. The Notice of Hearing sets out the deadlines for the parties to file submissions on the application, which was by April 14, 2026 for affected Tenants in this instance. I am satisfied, that the Tenant, having received

the Notice of Hearing, filed their submissions by the time period for submissions set out in the Notice of Hearing. As such, I am satisfied that the Landlord has complied with the Order to Serve.

It is determined that:

Municipal Taxes and Charges

3. 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).
4. The maximum rent increase above the guideline because of an extraordinary increase in the cost for municipal taxes and charges is 0.23%. This increase is to be taken in the first year.
5. The first effective date of the rent increase above the guideline is June 1, 2026.

Evidence Required and the Calculated Increase

6. The Tenant residing in Unit 611 submits that the Landlord has not provided any evidence to establish that “the increase meets the statutory threshold or how it has been calculated.
7. When seeking an above guideline rent increase due to an extraordinary increase in municipal taxes and charges, the Landlord is required to submit evidence of their final tax costs for the Reference and Base Years and their proof of payment of those costs. I am satisfied that the Landlord has done so in this instance. The Board considers whether there was an extraordinary increase in municipal taxes, as described in this Order below, and calculates the increase in accordance with the Rules set out under s. 29 and s. 31 of O. Reg. 516/06.

Allocation of Costs

8. The Tenant residing in Unit 611 submits that submits that the Landlord has not provided any evidence on the allocation of costs
9. For 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.

Financial Hardship

10. The Tenant residing in Unit 515 submits that the Board should consider financial hardship to Tenants caused as a result of any increase granted. They submit that they are not in a position to pay an above guideline increase and that it would present financial difficulty for them.
11. 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.

Out of Scope Submissions

12. The Tenants residing in Unit 515 and 611 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 they have been a Tenant in good standing for approximately 16 months, paying their rent on time or early.
 - b. That they do not utilize certain property services such as parking which may contribute to the overall operation costs cited in the application.
 - c. That the Tenancy has been "low impact" and that the Tenant has not required significant maintenance or services.
 - d. Whether amounts paid by the Tenant prior to the hearing of this matter constitute lawful rent and whether any alleged arrears are valid.
13. The Tenant residing in Unit 611 made submissions about capital expenditures claimed by the Landlord, however, there were no capital expenditures claimed in this application.
14. The legality of the Tenants N1 forms is not properly an issue before the Board on an L5 application hearing. 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.
15. 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.

16. 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. 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 0.23% 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 June 1, 2026, to May 31, 2027.
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.

June 8, 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. 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 2026 is 2.10%.

Schedule 1 - Units affected by this Order:

15 Sympatica Crescent, Brantford, ON, N3P 1K6

102	201	214	309	405	501	515	611
103	202	215	310	406	502	516	612
104	203	216	311	407	503	517	614
105	204	217	312	408	504	601	615
106	205	301	314	409	505	602	616
107	206	302	315	410	506	603	617
108	207	303	316	411	507	604	
110	208	304	317	412	508	605	
112	209	305	401	414	510	606	
114	210	306	402	415	511	607	
116	211	307	403	416	512	608	
117	212	308	404	417	514	610	

17 Sympatica Crescent, Brantford, ON, N3P 1K8

101	116	211	307	402	415	510	606
102	117	212	308	403	416	511	607
103	201	214	309	404	417	512	608
104	202	215	310	405	501	515	610
105	204	216	311	406	502	516	611
106	205	217	312	407	503	517	612
107	206	302	314	408	504	601	614
110	207	303	315	410	505	602	615
112	208	304	316	411	506	603	616
114	209	305	317	412	507	604	617
115	210	306	401	414	508	605	

Schedule 2 - Tenants who are Affected by this Order:

Abbott, Jeffrey	Campbell, Erin	Hanans, Patrica Jean
Acosta, Gabriela	Cantlon, Brianna	Hawryszko, Andrew
Adams, Jenny	Careswell, Kim	Hayman, Paul
Adomeit, Kyle	Carranza, Arnold	Hefferon, Jesse
Agwunobi, Kelechi	Cerone, Tiffany	Hens, Elizabeth
Akinyo (ARM), Ahmed	Cerretti, Alycia	Hill, Chelsea
Al-Barkat, Ali	Cole, Tanya	Hill-Surdyka, Taylor
Allen, William	Cole, William	Hoage, Tracy
Anthony, Tye	Constant, Michael	Hunter, Bernie
Antonison, David	Cormier, Gayle	Hunter, Emma-Jane
Aras, Ayse Halime	Corner, Lauren	Hushmand, Bahram
Aras, Hulya	Curley, Joshua	Inder, Marianne
Aras, Meryem	Cuthbertson, Debbie	Inder, Rick
Aylward, Mary M	Cuthbertson, Doug	Iorio, Susan
Baker, Helen	Dann, Mary Jane	Isaacs, Maureen
Balint, William	Davidson, Sharon	Jacobs, Michael
Banas, Jerzy	Devendra Nayak, Harish	Jain, Sanya
Banas, Renata	Dezenosky, Athena	James, Daryl
Barker, William	Dreyer, Eric	James, Vianna
Bartlett, Robert	Dunder, Maria	Jansen, Anne
Beach, Noel	Edwards, Bethany	Jansen, Jelis
Beal, Leslye	Elliott, William	Johnson, Len
Beal, Stephen	Ervine, Emma	Jolley, Sarah
Belager, Joseph	Fess, Sharon	Joseph, Edna
Bisson, Kyle	Finnamore, Daniel	Joseph, Thremaine
Blackmore, Brandon	Fluke, Bryanna	Kaur, Jasveer
Blackmore, Destiny	Fouzia, Chahi	Keith, Kyle
Blaine, Christopher	Frazee, Marie	Kennedy, Margaret
Blue, Michelle	Freeborn, Catherine	Kerr, Susie
Boot, Lisa	Gallacher, Wendy	Khosraviani, Pari
Boot, Tim	Gallagher, Barbara	Kinsman, Patricia
Bowman, Marion	Gallagher, Walter Steve	Kinsman, Tesha
Brown, Betty	Gibson, Peter	Kinsman, Tom
Brown, Courteney	Gilbert, Alissa	Kirilow, Brandon
Brown, Gregory	Golding, David	Lacourse, Caroline
Brown, Sherry	Gray, Anne	Lacourse, Laura
Bruce, Anna Kay	Gray, Robert	Lamont, Dawn
Bryan (RM), Matthew	Guimaraes, Olga	Langelaan, Melissa
Burman, Amy Rose	Guyer, Kristen	Lavigne, Riley
Caldas, Manuel	Haans, Lynsie	Lawrence, Christian
Caldas, Yvonne	Haines, Frederick Peter	Lee, Dan
Cameron, Shevron	Hamid, Aasim Sadrudin	Leegstra, Corrine
Lehman, Gregg	Lehman, Lee Ann	
Levert, Ronald	Lilly, Bonita	Logan, Brenda

Logan, Genny
Louks, Christopher
Luffman, Darrel
MacGregor, Kyle
MacKeigan, Christie
Maclellan, Keum Joo Lee
MacLeod, Hailee
MacMahon, Helen
Mahon, Desree
Mann, Susan
Manners, John
Maradon, Fadumo
Marshall, Robert
Martin, James
Martin, Wanda
Oldroyd, Connie
Oliver, Liam
Owens, Rachel
 Patel, Rakeshkumar
 Patel, Vatsh
 Patterson, Ian
 Pemberton, Trevaughn
 Pertak, Mark
 Pickard, Brandi
 Portelli, Amanda
 Potter, Yvonne
 Prevedello, Romy
 Prusky, Emile
 Rabara, Priyal
 Rabara (19), Param
 Radmanish, Parisa
 Rao, Kristy
 Rashid, Binar
 Redford, Alex
 Reid, Zoe
 Roberts, Evelyn Marlene
 Roberts, Gerald
 Roberts, Ryan
 Rohr, Alexis
 Rook, Martin

Martin, Wendy
Mccaughen, Gordon/Daniel
Mccaughen, Mary lou
McGhee, Julie
Mc Intosh, Kris
Mcintosh, Makayla
Mckinnon, Terry
McKnight, Tyler
Mcleggon, Dorell
Mellor, Bradley
Miller, Sarah
Miranda, Maria Tana
Mitchell Gomez, Raquel
Modupe, Adebimpe
Morris, Chad
Patel, Akul
Patel, Dip
Patel, Jaykumar
 Rowe, Garfield
 Roy, Micheline Marie
 Ruddock, Tyronne
 Ryckman, Mackenzie
 Scheoberle, Gerhard
 Schultz, Seth
 Scott, Dan
 Scott, Linda
 Scott, Patricia
 Seifert, Nick
 Siddall, Elizabeth (Betty)
 Simms, Racquel
 Singh, Satwinder
 Smale, Frances
 Smale, Katarina
 Smith, Stuart
 Smuczak, Malgorzata
 Snow, Jennifer
 Sonnenberg, Stefanus
 Spurgeon, Paula
 Stewart, Mshairi
 Stoyko, Trevor

Munn, Kathy
Nash, Kimberly Lynne
Navarre, Zack
Nayak, Shreesha
Yashavanth
Neamtz, Shawn
Newton, Jason
O'Hagan, Wayne
of The Church of Jesus
Christ of Latter-day Saints
(2), Canada Toronto Mission
Okutade, Abdulwasiiu
Olalia, Agnes

Patel, Niravkumar

Tarrant, Peter
Taylor, Bernie
Taylor, Gregory Allan
Taylor, Judith Anne
Thompkins, Ronald
Thompson, Robert
Traveson, Patrick
Traveson, Ruth
Tremblay, Dan
Virani, Inara Murad
Ward, Melissa
Warner, Eleanor
Westbrook, Courtney
Wheeler, John
Williams, Sidney
Williamson, Megan
Wood, Anne
Woynillowicz, Matt
Yourth, Diane
Zink, Jonathan

