

# Tenant Submission

## Above Guideline Increase LTB-L-076488-23

Prepared by L. D. Blake

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# Tenant Submission

File Number: LTB-L-076488-23

2025-05-01

In the matter of:

Park Place Equities 2005 LLC  
485 Bank Street #207  
Ottawa, Ontario  
Canada K2P 1Z2

vs.

L. D. Blake  
165 Ontario Street #609  
St Catharines, Ontario  
Canada L2R 5K4  
(905-397-6840)

and

Respondents named in Agency Authorization

## Introduction

I am a long term resident of "The 165", as it is currently called. I have lived in this building continuously since July 2, 1984. This has been my home of 40 years. I have witnessed its trials and tribulations. I've seen it at its best and at its worst.

During my tenure here, I have lived with 5 landlords and endured 5 complete renovations of the building. In the passage of time, I saw a pattern emerging in which each new landlord would ambitiously do renovations and changes followed by an Above Guideline Increase (AGI).

Each new repetition raised troubling questions about the eligibility of the claimed capital expenses and the validity of the rent increases.

## History And Context

1. While I am aware that none of the past landlord's actions are under litigation here, it is important to understand this building did not just magically appear the day InterRent acquired it. It has a 60 year history with its own story and key events leading up to the current L5 AGI application that need to be understood if fairness and justice are to prevail.

2. The 165 Ontario Street address first appeared in the St Catharines city registry in 1965. Originally named Lucerne Apartments, this 9 story building was a semi-luxurious home to about 300 people in 157 larger than average apartments.
3. The individual apartments were well enough maintained but, over time, the common areas were allowed to deteriorate somewhat. This triggered a city ordered restoration in 1998 and 1999. Then a tenant group demanded balcony reconstruction in 2000. The end result was a nice building with a 1960s retro charm about it.



4. Starting with the 2007 transfer of ownership to TransGlobe Property Management, this building has been under near constant renovations from a series of new landlords. Each of whom launched extensive projects as soon as they gained possession.
5. An astonishing amount of work has been done on this building and we've already had 4 AGIs because of it. One has expired and long term tenants are still paying on three of them.

Date	Description	Status
<b>A&amp;L Investments 1965 - 2007</b>		
1998-1999	Stairwells and hallways re-plastered All common areas painted Hallway carpets replaced Lobby redecorated Roof repaired Underground parking repaired and resurfaced The boiler type furnace was replaced	

Date	Description	Status
2000	Balcony refurbishment (Tenant Initiated) -Edges of all balcony slabs cut back -Edges reformed with new concrete -Some balcony guards repaired -Balcony guards primed and painted	
<b>TransGlobe Property Management 2007 - 2012</b>		
2008-2009	Lobby gutted and redone Hallways painted Hallway carpets replaced Stairwells cleaned and painted Elevators lined with stainless steel panels Toilets replaced Roof replaced Flow restrictors installed on all taps Lobby intercom replaced Building's sign changed	AGI SOL-26605
2008-2012	Renovation of vacant units - Apartment floors sanded and varnished - Kitchen counters replaced - New appliances installed - Bathroom cabinets and counters replaced - Bath tubs and showers upgraded - Walls repaired and painted	Few Units Completed
2009	Front sheer wall repairs - Rows of bricks removed - Steel wall retainers replaced - Rows of new bricks installed	
2010-05-07	Balcony refurbishment - Edges of all balcony slabs cut back - Edges were reformed with new concrete - Some balcony guards got minor repairs - Balcony guards primed and painted	
<b>Starlight Investments 2012 - 2016</b>		
2012 - 2013	Parking lot fire system upgraded New anchors for swing stages were installed Building exterior and balcony repair - Balcony slabs cut back and reformed - Balcony railings replaced - Entire building exterior painted Common area painting - Hallways painted - Stairwells painted - Hallway carpets replaced - Lobby painted and redecorated Repairs to the garage entrance Retaining walls painted	AGI SOL-40297-13



Date	Description	Status
	Parking lot drains repaired Building's sign changed	
2012 - 2015	Remodelling vacant apartments - Appliances replaced - Apartment floors redone - Counters and sinks changed - Bathrooms redecorated - Kitchens redecorated	Many Units Completed
2014	New domestic furnaces installed New hot water boilers installed	AGI SOL-67472-16
2015	Parking garage refurbishment	AGI SOL-80883-17
<b>Northview Apartment REIT 2016-2020</b>		
2012	Toilets replaced Flow restrictors installed on taps	
2016-08-01	Building roof replaced Lobby intercom replaced	AGI SOL-80883-17
2016-2020	Remodelling vacant apartments - Entire walls removed from kitchens - Kitchen islands installed - Kitchen cabinets replaced - Kitchen countertops replaced - Refrigerators and stoves replaced - Dishwashers installed - Bathroom counter tops replaced - Bathroom cabinets replaced - Tubs and showers refurbished - Kitchen and bathroom floors tiled - Closet doors replaced - Wood floors replaced with vinyl planking - Roller blinds installed on windows	Most Units Complete
2017-2020	Common area remodelling - The lobby redecorated - The lobby doors replaced - Wainscotting added in the halls and lobby - The hallway carpets replaced - The hallways and lobby painted - Apartment doors painted	

7. InterRent took control of this building on April 29<sup>th</sup>, 2021.



8. We need to appreciate that at no time after the first round of renovations, ending in 2000, has this building actually been run down or in bad condition. The fact is that when InterRent acquired this building, they got a freshly renovated building from Northview, who got a fully renovated building from Starlight, who got a mostly renovated building from TransGlobe, who bought a nicely restored building from A&L Investments. Any of them could have rented it out for several years before major restoration was needed.

9. But, that did not stop InterRent from coming in here like a drunken bull in a china shop and telling us the building was in “rough shape”, talking about their “higher standards” and their big plans then, eventually, changing everything in sight.

Date	Description
Unknown	Replaced fire alarm controller
Numerous	Remodeling of vacant apartments
2021-06-16	Upgrading lighting in underground parking
2021-07-23	Balcony reconstruction Replacing brickwork on exterior walls Removing air conditioner housings Power Washing Exterior painting
2021-08-05	Lobby Construction (8th floor) Replace floor, wall tiles and trim Upgrade light fixtures Upgrade 3 common area doors
2021-08-10	Stairwell painting
2021-09-08	Sanding and staining door thresholds
2021-09-22	Replacing smoke alarms
2021-09-30	New apartment key distribution
2021-10-15	Replacing apt. door knobs Replacing apt. door locks Replacing mail slot covers Replacing peek holes
2021-11-04	Renovated community room opened
2021-11-05	Elevator Modernization Notice
2021-11-16	Demolish and rebuild elevator landings - Replace floor tile - Replace wall panels - Paint Elevator doors - Install decorative trim
2021-11-17	Replace entrance canopy roof
2021-11-23	Replace booster pump on parking sprinkler system
2021-11-26	Removing garbage elevator and replacing cover
2021-11-26	Renovating elevator landing at basement parking level
2021-12-16	Painting the floor in the basement hallway
2022-01-21	Entrance canopy reconstruction

Date	Description
2022-02-07	Lobby demolition and reconstruction - Replacing ceramic tiles - Painting trim and walls - New lighting
2022-03-01	Painting apartment doors - door frames - threshold plates - door trim
2022-03-16	Painting doors in underground parking (No Notice)
2022-03-16	Replacing garage door (Underground parking)
2022-03-18	Update on elevator modernization
2022-03-28	Office glass door installation (in lobby)
2022-04-05	Replace rear building door and frame
2022-04-13	Replace toilets (30 units)
2022-04-14	Install Air Conditioning in lobby (No notice)
2022-04-18	Disabled access controls at back lobby door (No Notice)
2022-04-21	Replacing hallway lights, 9th floor (No Notice)
2022-04-27	Replacing basement exit doors
2022-05-18	Demolition and renovation in apt 711
2022-06-10	Elevator modernization
2022-06-21	Painting parking lines in garage and side lot
2022-09-12	New canopy for rear lobby entrance
2022-09-15	Ceilings and Plumbing near laundry room
2022-09-28	Replace ceiling in the laundry room
2022-10-23	Update on Elevator Modernization
2022-12-20	New heaters in lobby (no notice)
2023-02-20	Lobby wall renovation
2023-03-16	Replace lobby intercom system
2023-04-20	Unit entry door replacement
2023-04-27	Rebuilding underground parking entrance
2023-08-09	Underground parking entrance and Gym
2024-04-04	Hallway painting (no notice)

10. As a result of all this, a number of renovations have been repeated multiple times, giving credence to the notion of a repeating cycle that had little or nothing to do with the actual condition of the building.

Task	Dates
Balcony Refurbishment	2000, 2010, 2012, 2021
Elevator Modernization	2008, 2023
Elevator Landings	2008, 2017, 2021
Exterior walls	2009, 2012, 2021
Furnace Replacement	1998, 2014, 2023
Hallway Carpets	1999, 2008, 2017
Hallway Painting	1999, 2008, 2012, 2017, 2021, 2024
Lobby Intercom	1999, 2008, 2016, 2023
Lobby Redecoration	1999, 2008, 2012, 2017, 2022, 2023
Roof Repairs	1998, 2008, 2016, 2021
Stairwell Repainting	1998, 2008, 2012, 2017, 2021
Toilet Replacement	2008, 2012, 2021
Underground Parking	1999, 2012, 2015, 2021, 2022
Vacant Apartments	Continuous

It is extremely unlikely that our balconies needed recasting 4 times, our hallways needed painting 6 times or we needed 4 new lobby intercoms.

11. Reflecting on my years-long experience with the LTB in SOL-40297-13 and the innate difficulty of proving what every tenant knew –the work done was not necessary-- brought me to think about ways of countering very similar problems in this case. I realized I needed a “before picture”, showing the condition of various things as they were shortly before the work began.
12. Lacking a time machine, I got busy and photographed everything I could, taking pictures just a few days before the work started on each of InterRent’s many projects, opening up a window into the past.

Thus, a large part of my purpose in this document is to provide the historical information that, except by wild coincidence, no Adjudicator would have and no landlord would share.

## **Tab 1 – Balcony Restoration**



1. In his Tab 1 the applicant has relied solely upon a contract document showing the intention to do major renovations.
2. The L5 application states: "Balcony restoration is required to restore physical integrity of the property as well as to promote resident safety".
3. There is nothing to show the balconies actually needed repair.
4. The tenants were sent a notice of construction (BN1) announcing a July 26<sup>th</sup> 2021 start date for the balcony reconstruction project.
5. The balconies had been recast on three previous occasions in 2000, 2010, and 2012.
6. In the Evidence section of this Tab I have provided 130 photos of the balconies as they were a short time before the start date of the landlord's project.
  - A. In the Balconies section there are two images of each balcony, indexed by apartment number. One is taken from left to right and the other from right to left, so the entire balcony is visible.
  - B. In the Overhang list are photos of the underside of the balcony above, also indexed by apartment numbers.
  - C. I also took pictures showing the exterior of the building's Front, North and South sides which are indexed in the Ground Level section.
7. Studying these pictures shows us balconies in good condition, being used and enjoyed by tenants. There is no evidence of deterioration, wear or damage.
8. The final section of the pictures shows the Work In Progress.
  - A. The work actually being done was largely a matter of grinding down the slab edges and ridges on the overhangs (W01, W02) then painting the slab edges and overhangs (W03, W04).
  - B. This work was of little structural value and largely cosmetic in nature, akin to sanding a wall before painting.
9. The work in progress pictures (W03, W04) also show brick work being done on the sheer walls of the building.
  - A. This is removing old and deteriorated air conditioner housings that were part of the original construction in the 1960s.
  - B. In discussing this with Oliver Filip, at the time, we agreed that since the interior access to these housings had been blocked by a previous landlord's unit renovations we would consider this to be a proper fix for an old problem.
10. The only balcony I found that actually needed repair was for apartment 801. (B801a)
  - A. The finish surface of the concrete was delaminated due to an outdoor carpet.
  - B. This would have been an easy repair, taking most of an afternoon to complete with simple hand tools.
  - C. It had been ignored in 3 previous balcony restoration projects.
  - D. One balcony does not justify redoing all the balconies on this building.
  - E. Note these are older pictures, because unit 801 was vacant and I had no access to the balcony at the time.

Therefore:

The respondents assert the applicant has not met his burden of proof.

Pictures show the balconies were not in need of repair.

The restoration project was largely a cosmetic undertaking with virtually no structural value.

This project does not meet the criteria for an eligible capital expenditure per Ontario Regulation 516/06 p.18 and the Residential Tenancies Act p.126 and, thus, the claim for capital expenditures should be disallowed.

Per the agreement with Oliver Filip, if the applicant wishes to break out the cost of removing the air conditioner housings, the respondents may agree to a fair price for only that part of the project.

**BN1**

165 Ontario  
165 Ontario Street, St. Catharines, ON L2R 5K4  
905-646-0861 | stcatharines-admin@rentclv.com

July 23, 2021

RE: Notice of Construction – Balcony Restoration & Exterior Wall Repairs

Dear Valued Residents,

Please be advised that CLV Group has received the scheduled dates for the balcony restoration and exterior wall repairs.

**YOUR COMMUNITY HAS BEEN SCHEDULED FOR JULY 27<sup>th</sup>, 2021 UNTIL NOVEMBER 22<sup>nd</sup>, 2021.**

In order to complete this mandatory work, please note that all items must be removed from your balconies. Please review balcony schedule, to be sent on July 26<sup>th</sup>, for the tentative date you must have your balcony clear of all items. This includes but is not limited to storage totes, patio furniture, plants and seasonal items. As of July 27<sup>th</sup>, the back parking lot will be off limits for project mobilization and cars will not be able to park in this area. The project will start at the front of the building and will continue counter clockwise. The work for the units at the front of the building (x-01, x-03, x-04 runs) is tentatively scheduled to commence on July 29<sup>th</sup>, 2021. The units at the front of building must ensure all items are removed from the balconies by 8AM, on July 29<sup>th</sup>, 2021.

Contractor will use swing stages and they will go up and down close to your windows.

We will send schedule updates as soon as the mobilization is completed.

Monday – Friday 7:30AM – 4:30PM & Saturday 9AM – 3:30PM. This work is highly weather dependent. Dependent on the progress of the project, the dates may change.

This work will create noise, construction debris, vibration, and dust. Please keep unit windows closed during this time. Note that exterior areas and walkways may be inaccessible for periods of time. For this project, access to your unit will not be required.

It is imperative that for this project to proceed as scheduled, residents must have all items removed from their balcony prior to the start date.

Please watch for construction vehicles, overhead work, and restricted area notices. Please use caution while onsite for the duration of this project.

We look forward to making improvements to your home.

Thank you,  
Oliver Filip

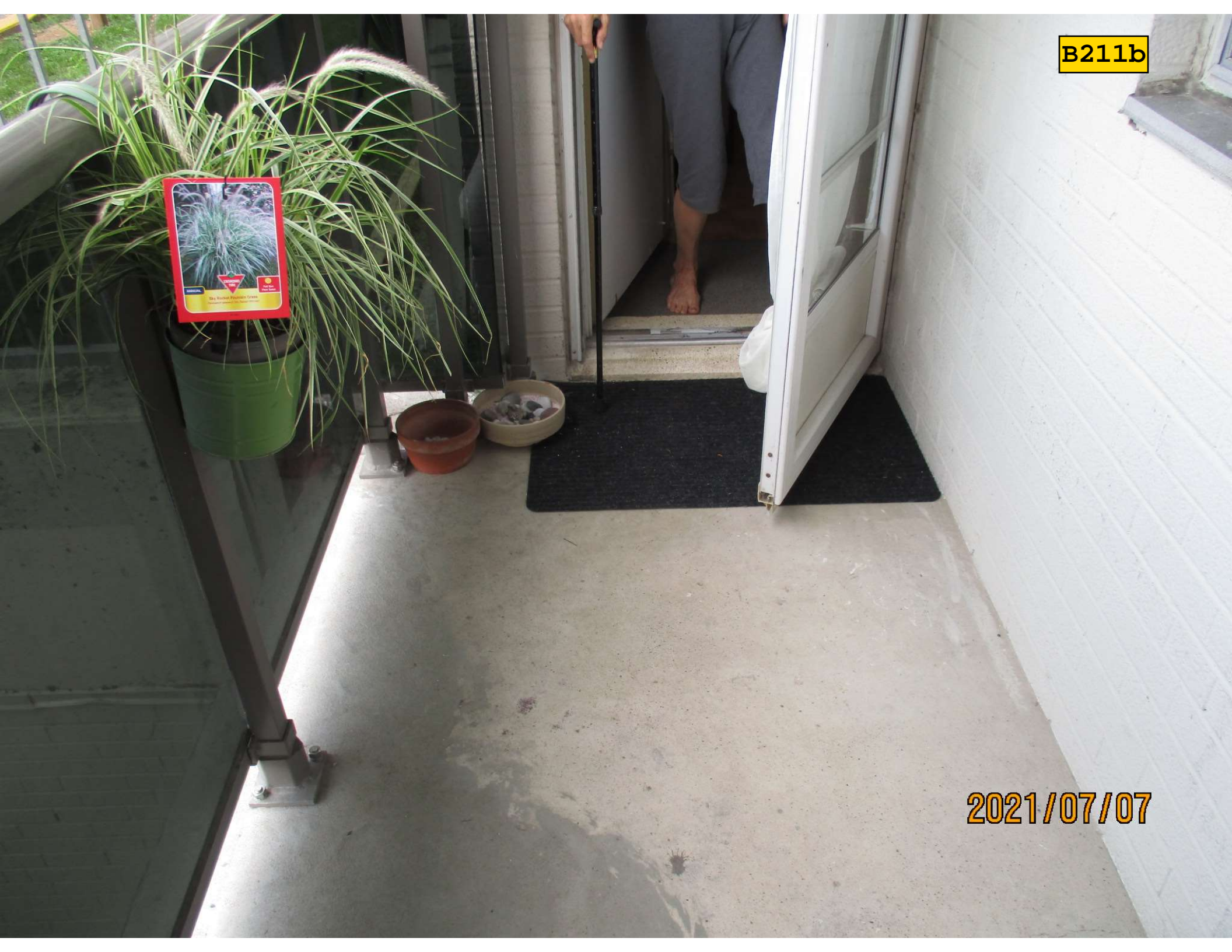
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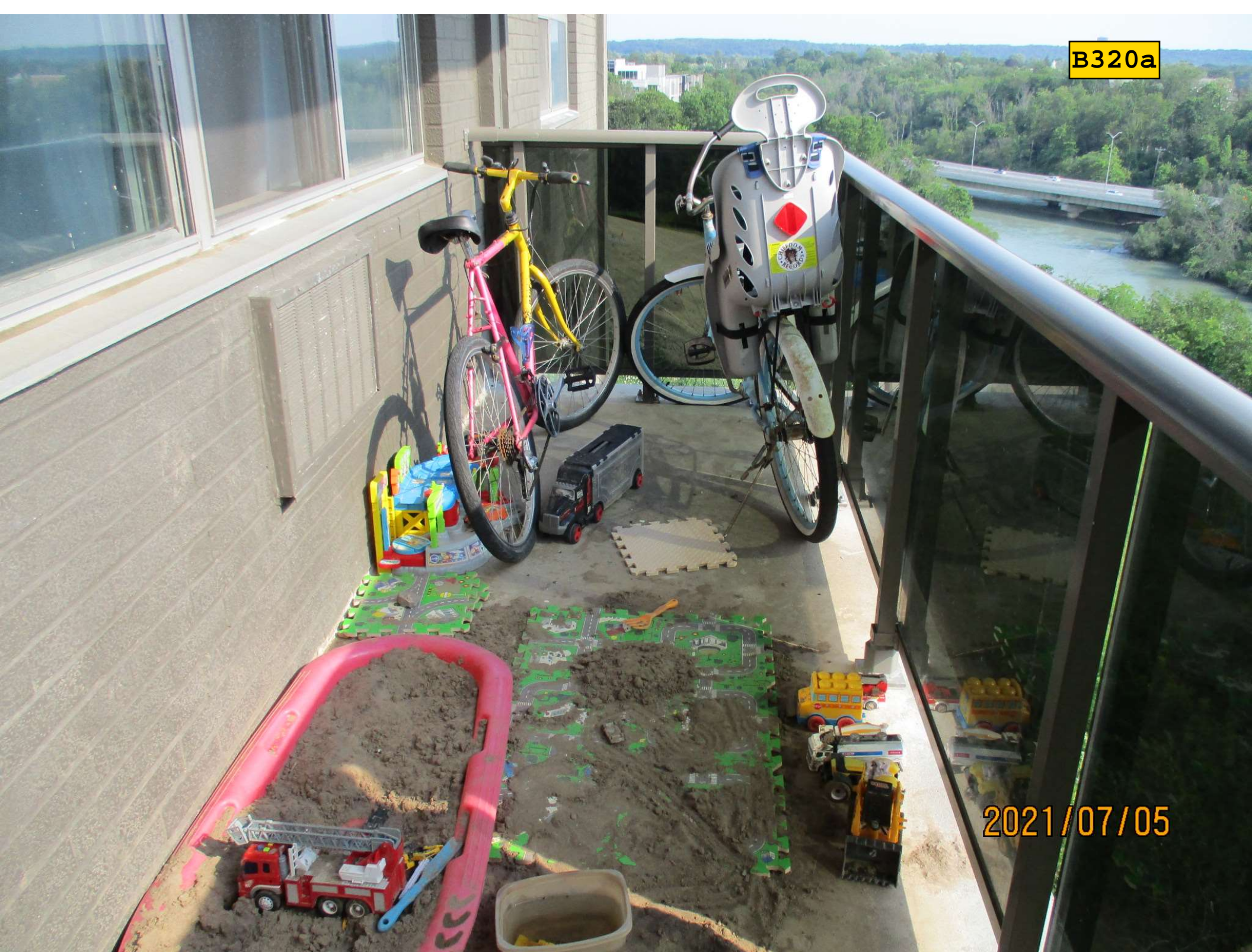
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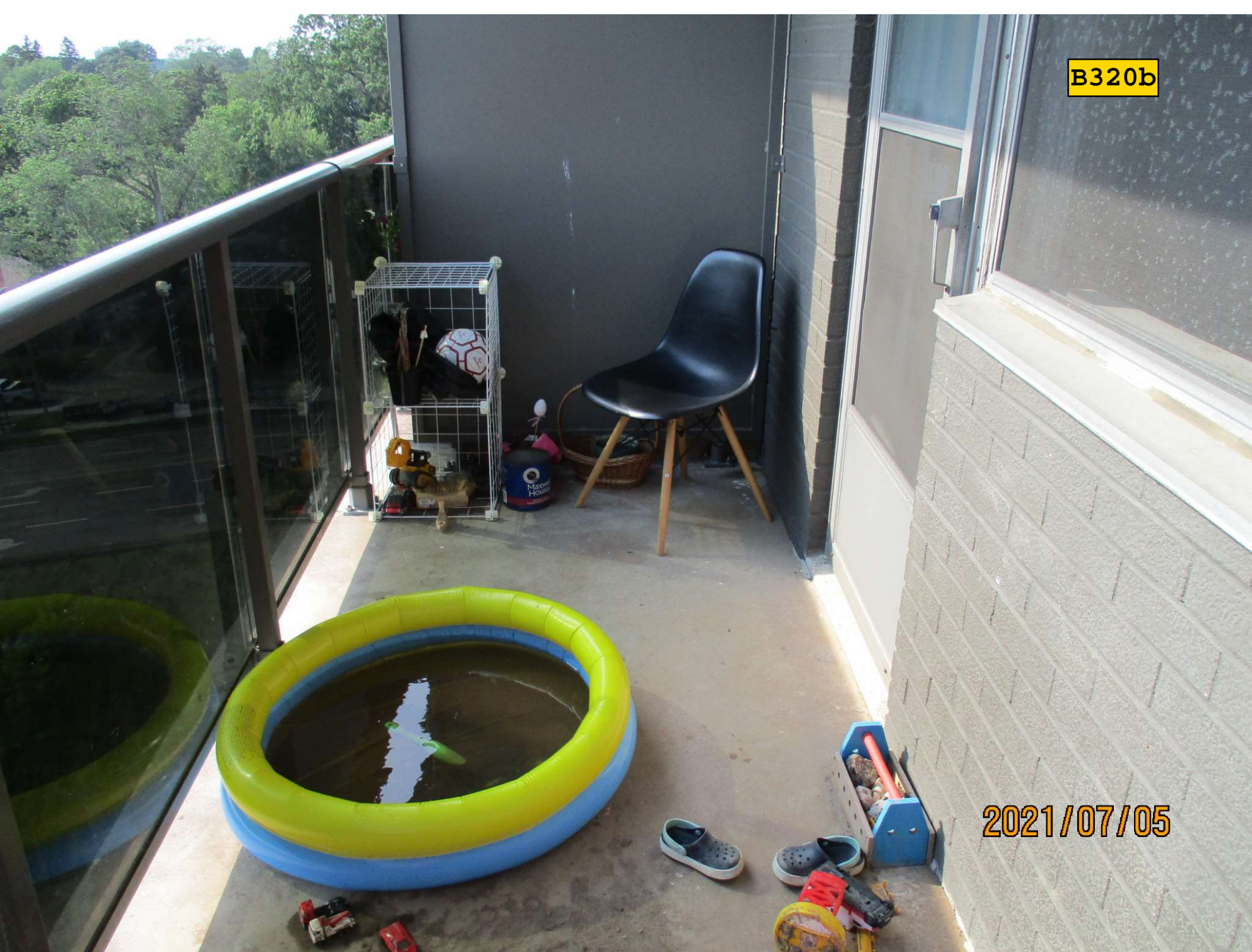


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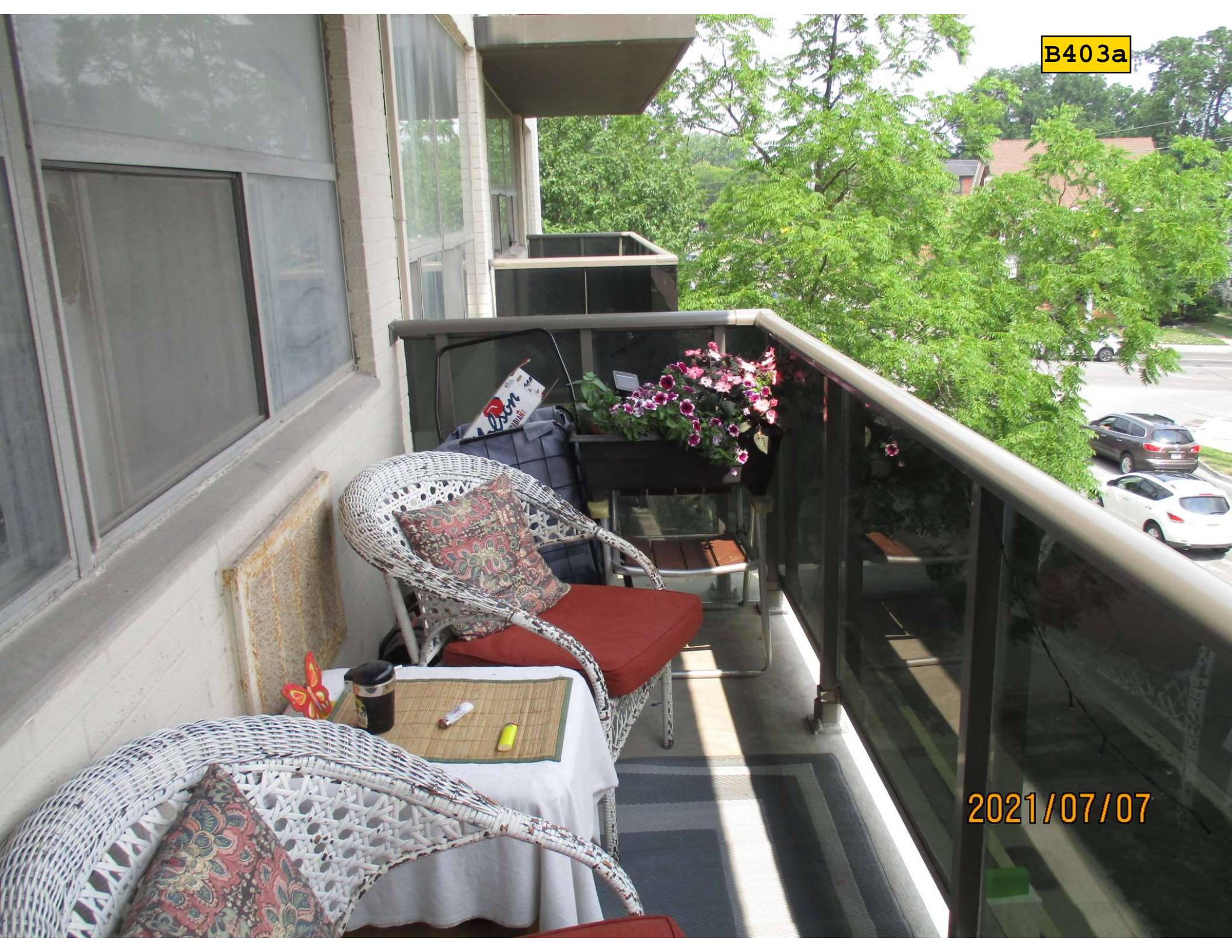
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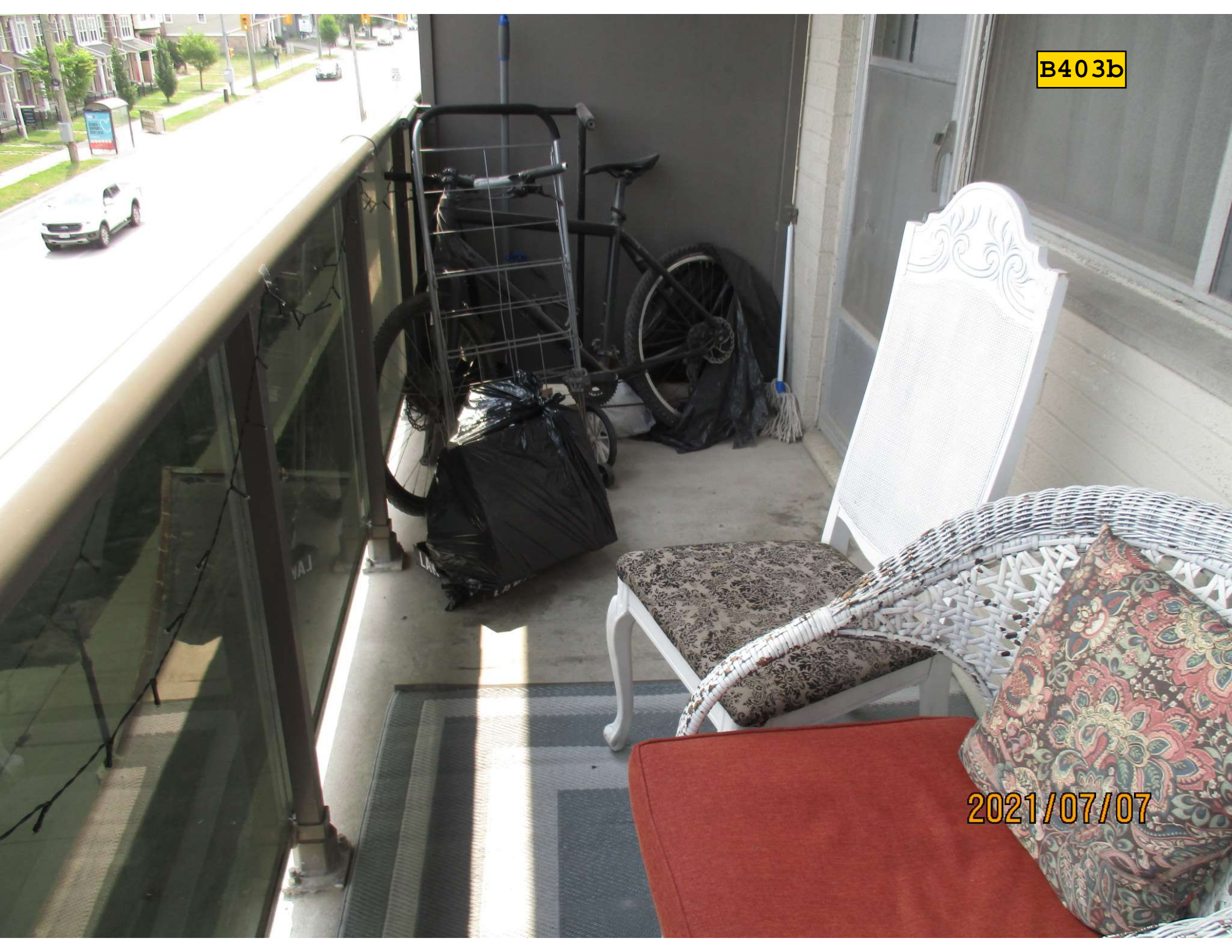


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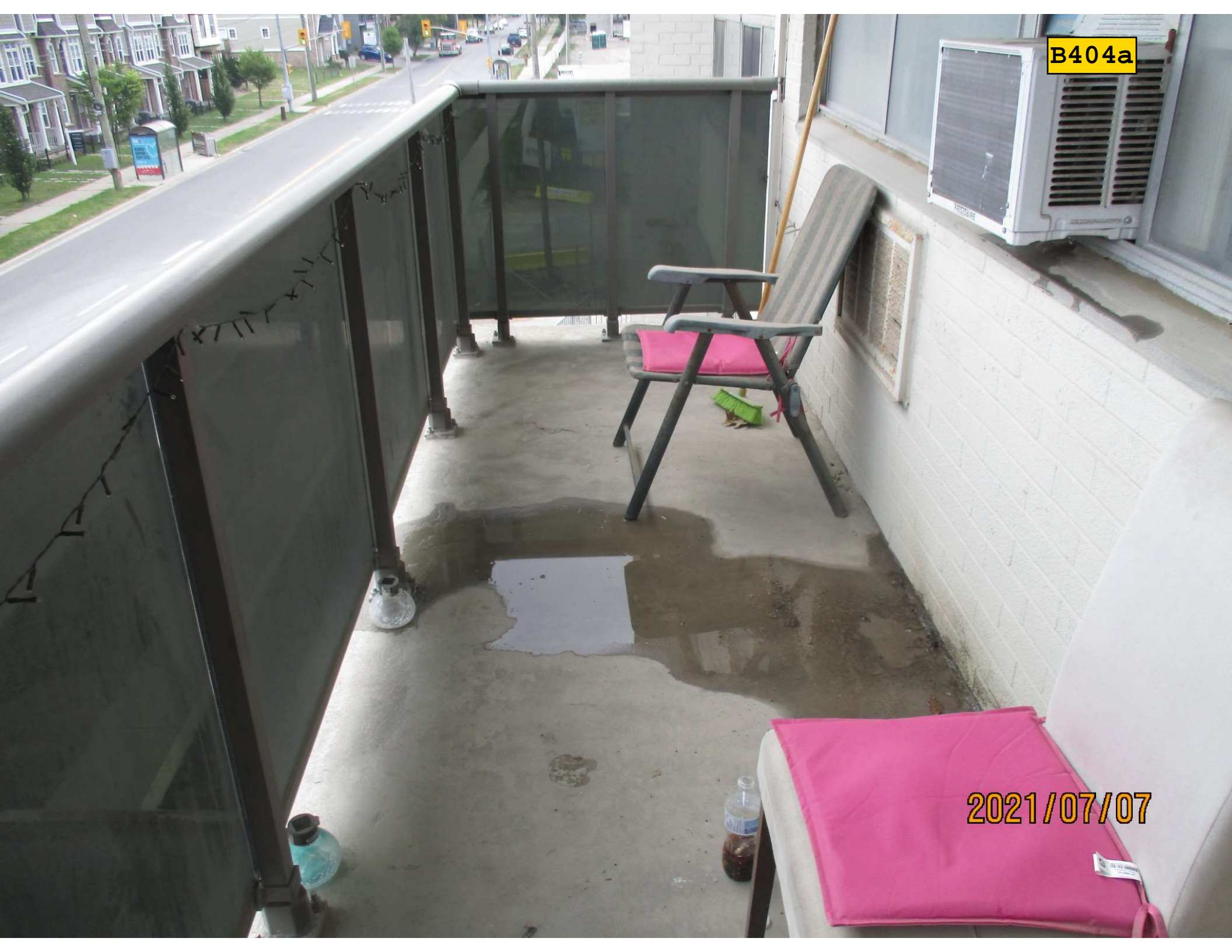
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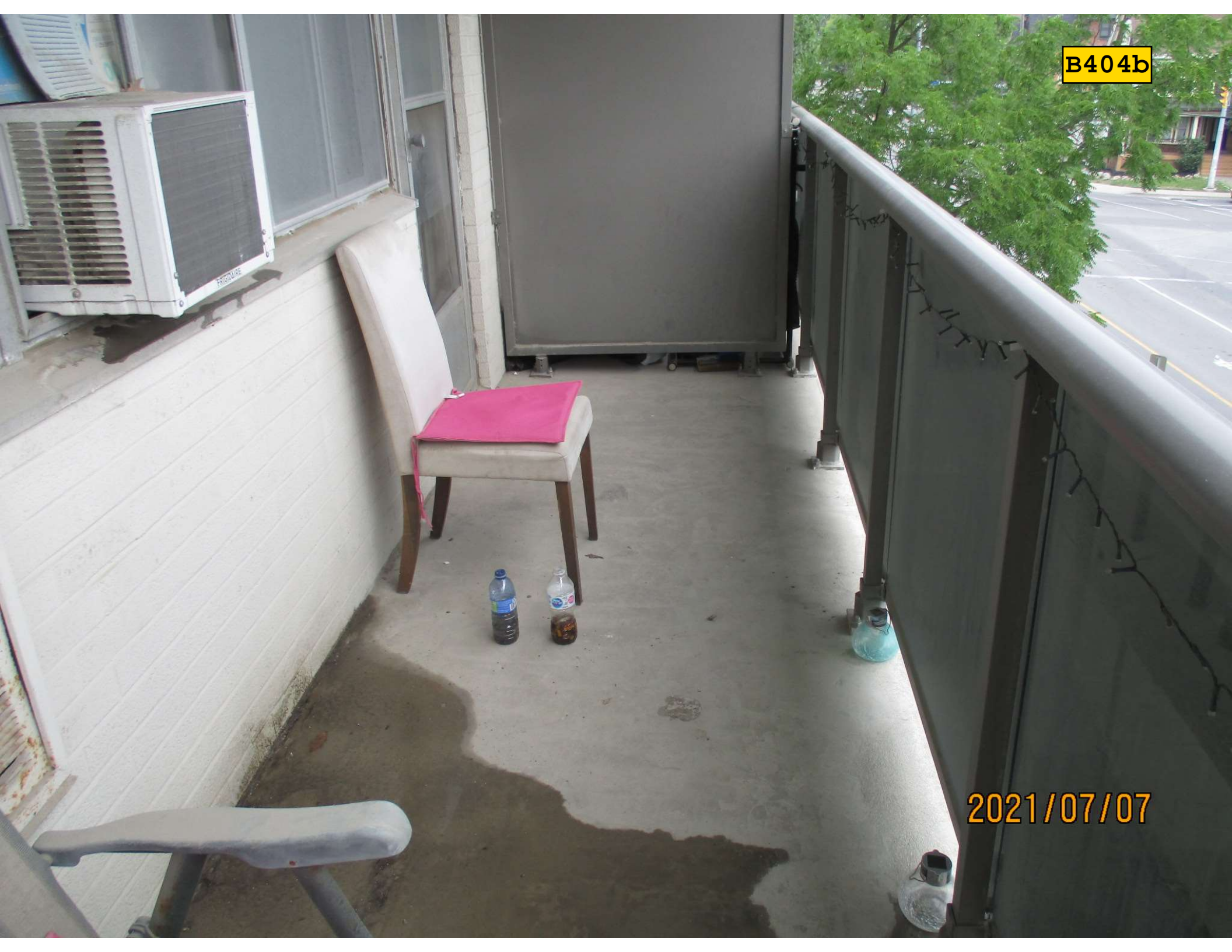
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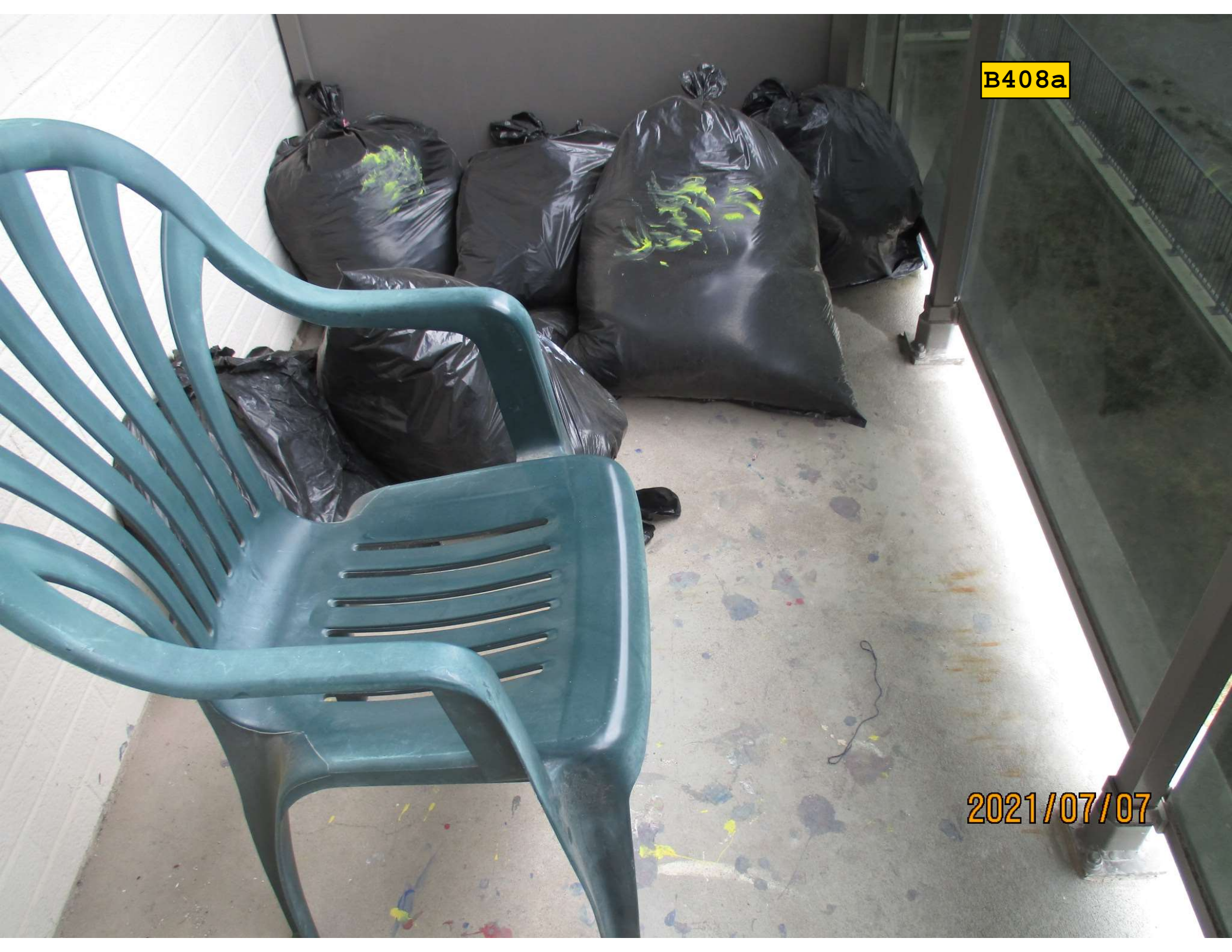


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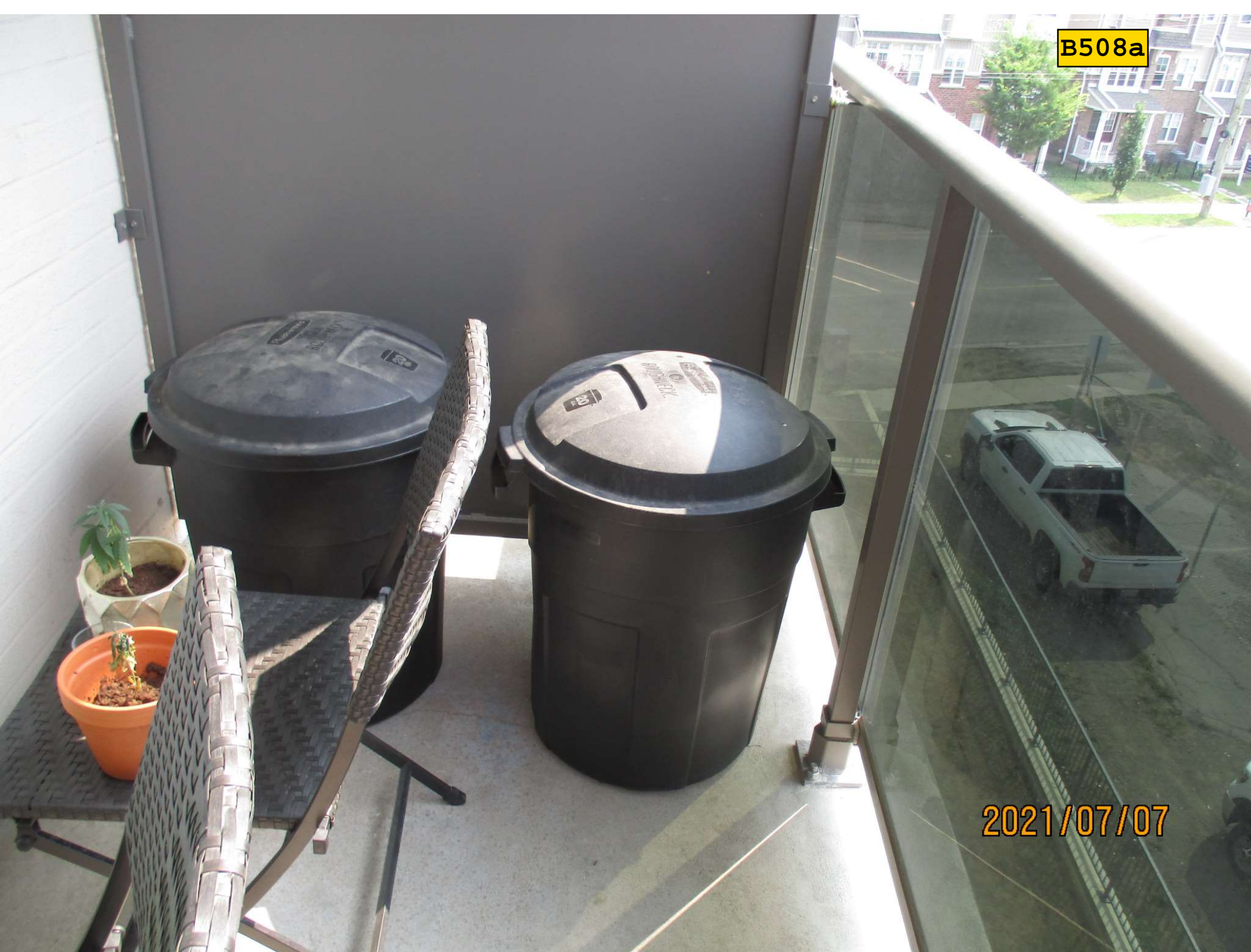
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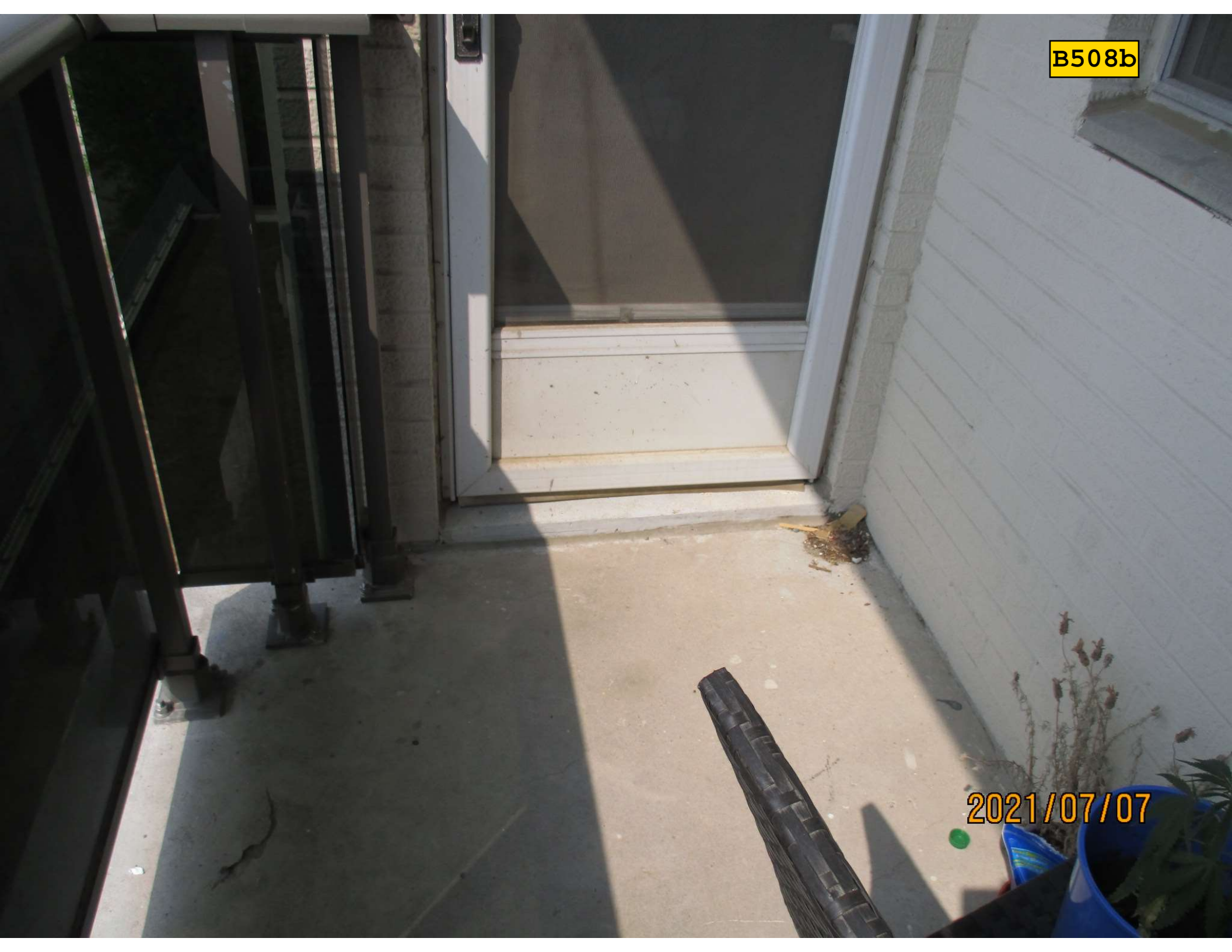
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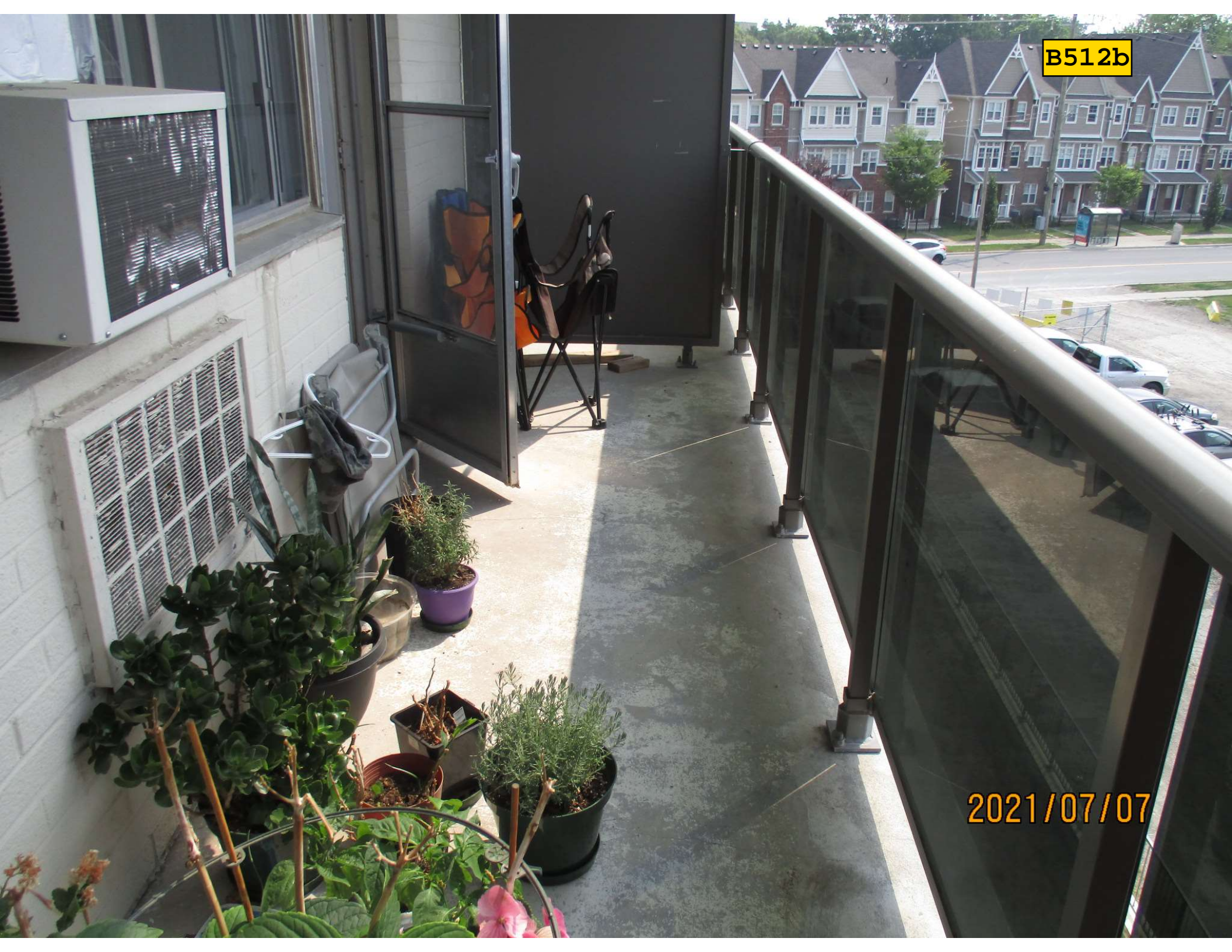


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best wishes  
warmest regards

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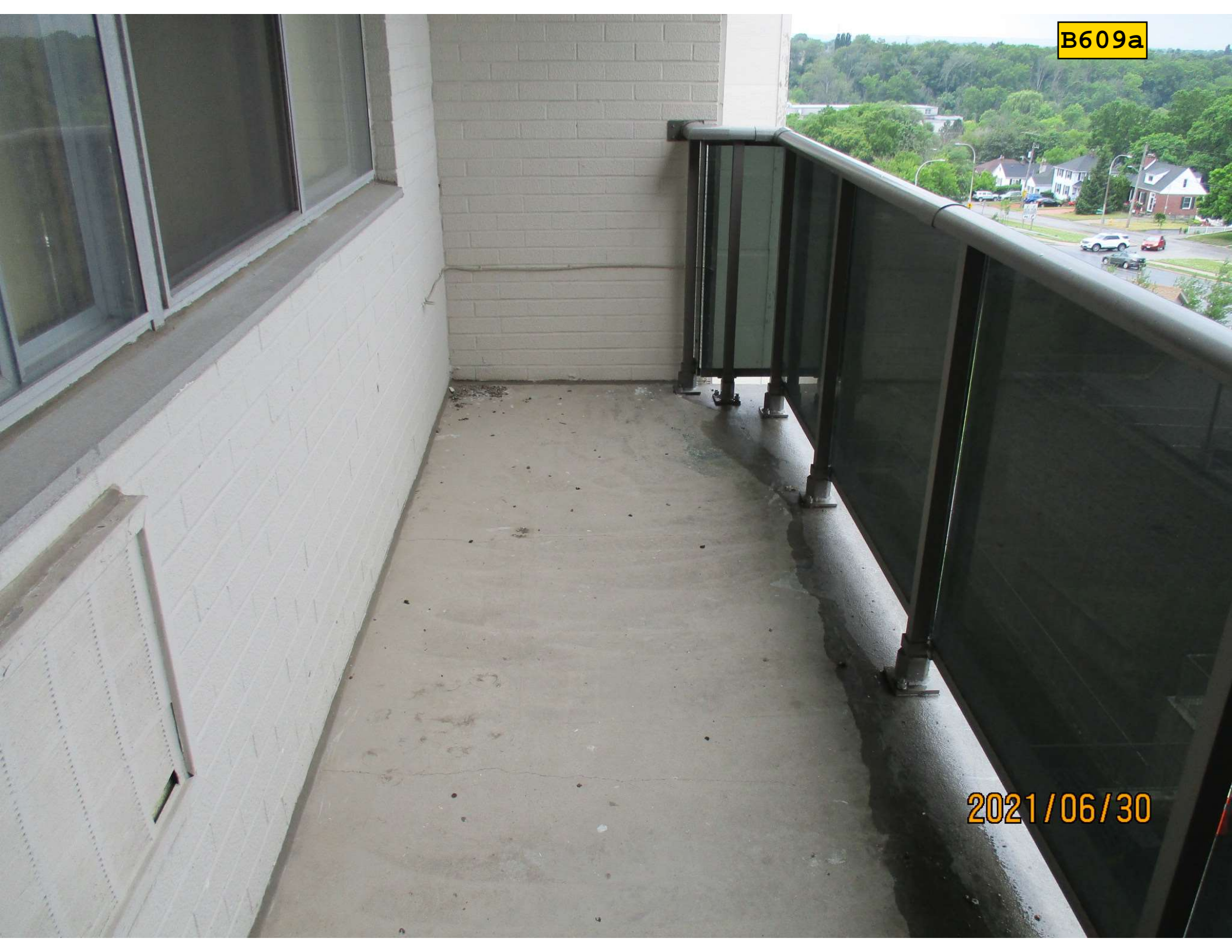
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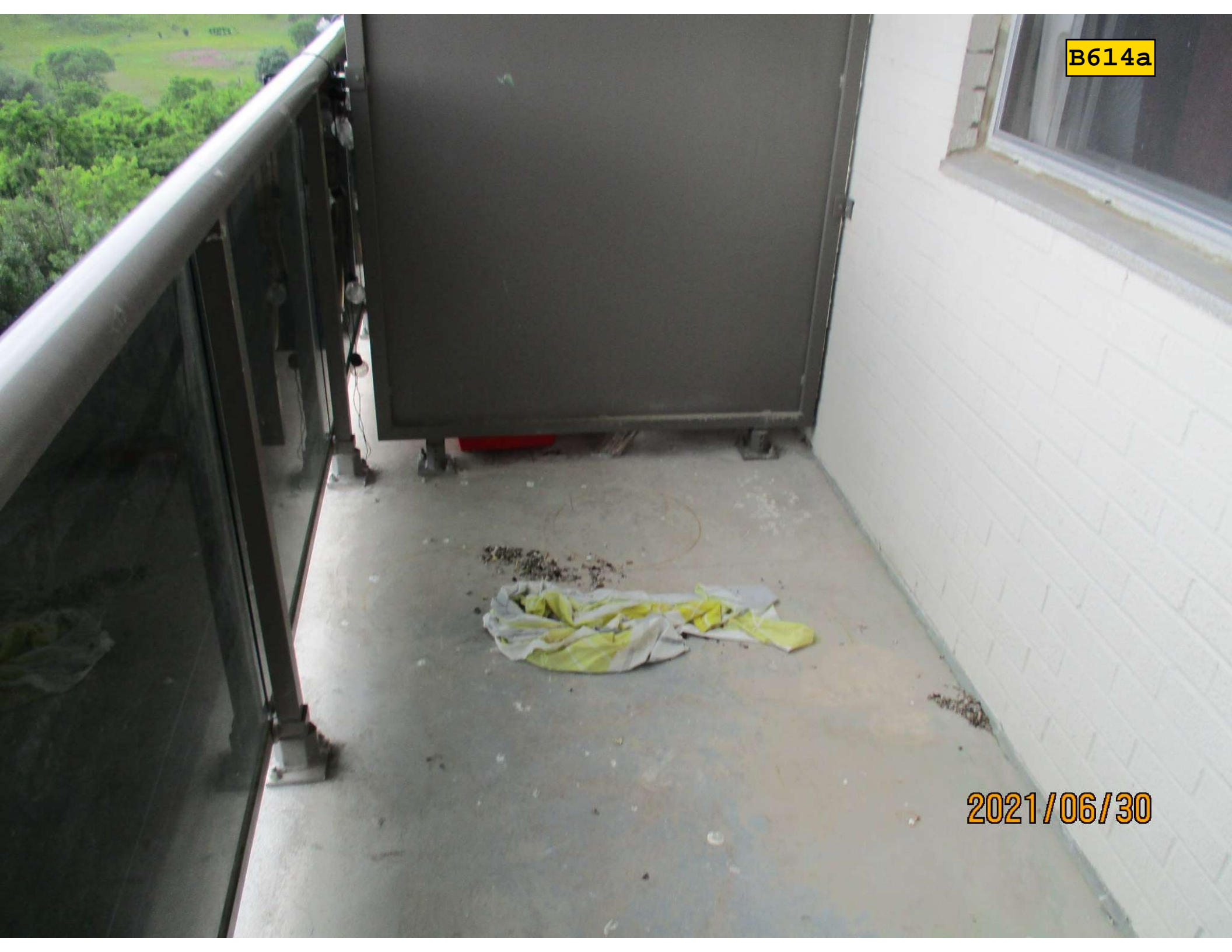
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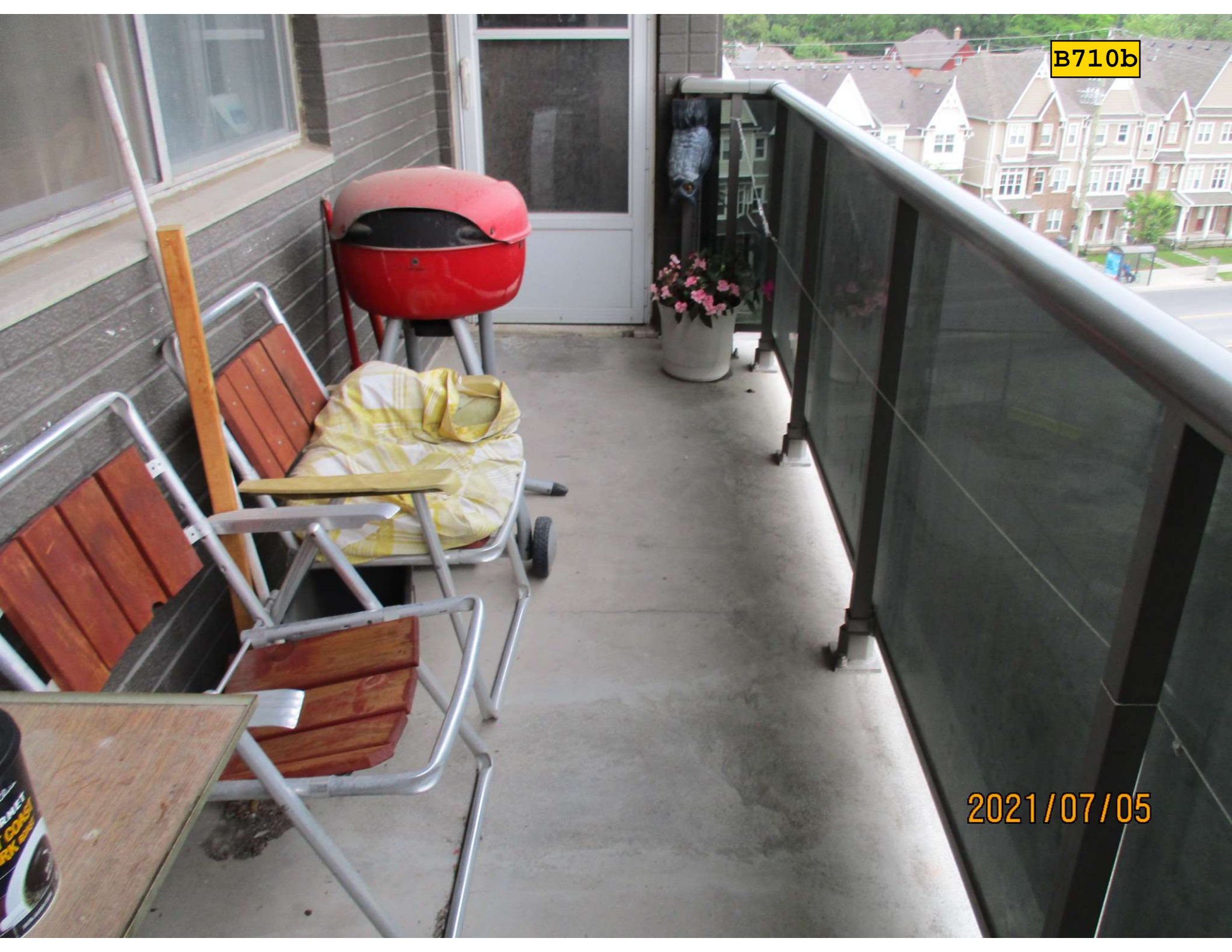


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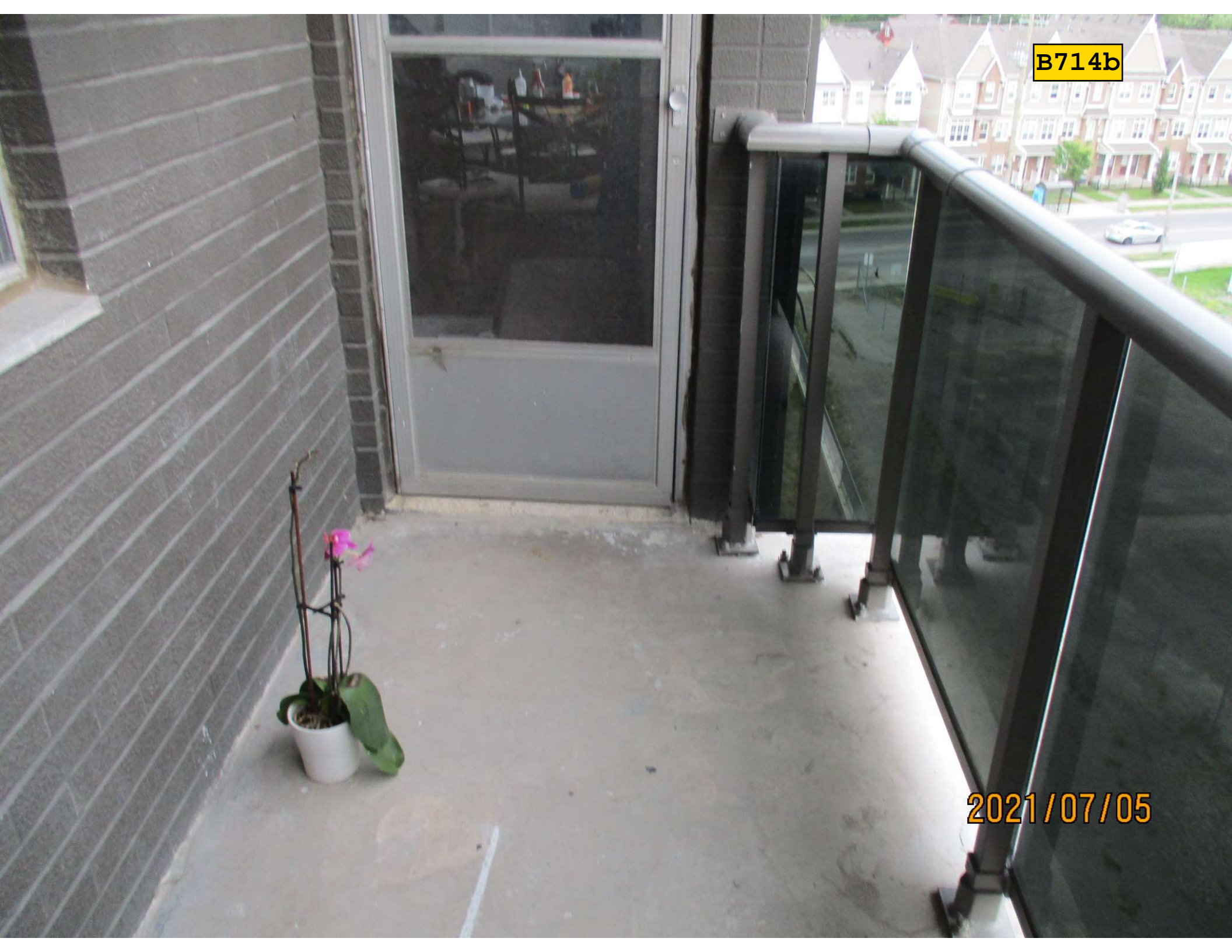


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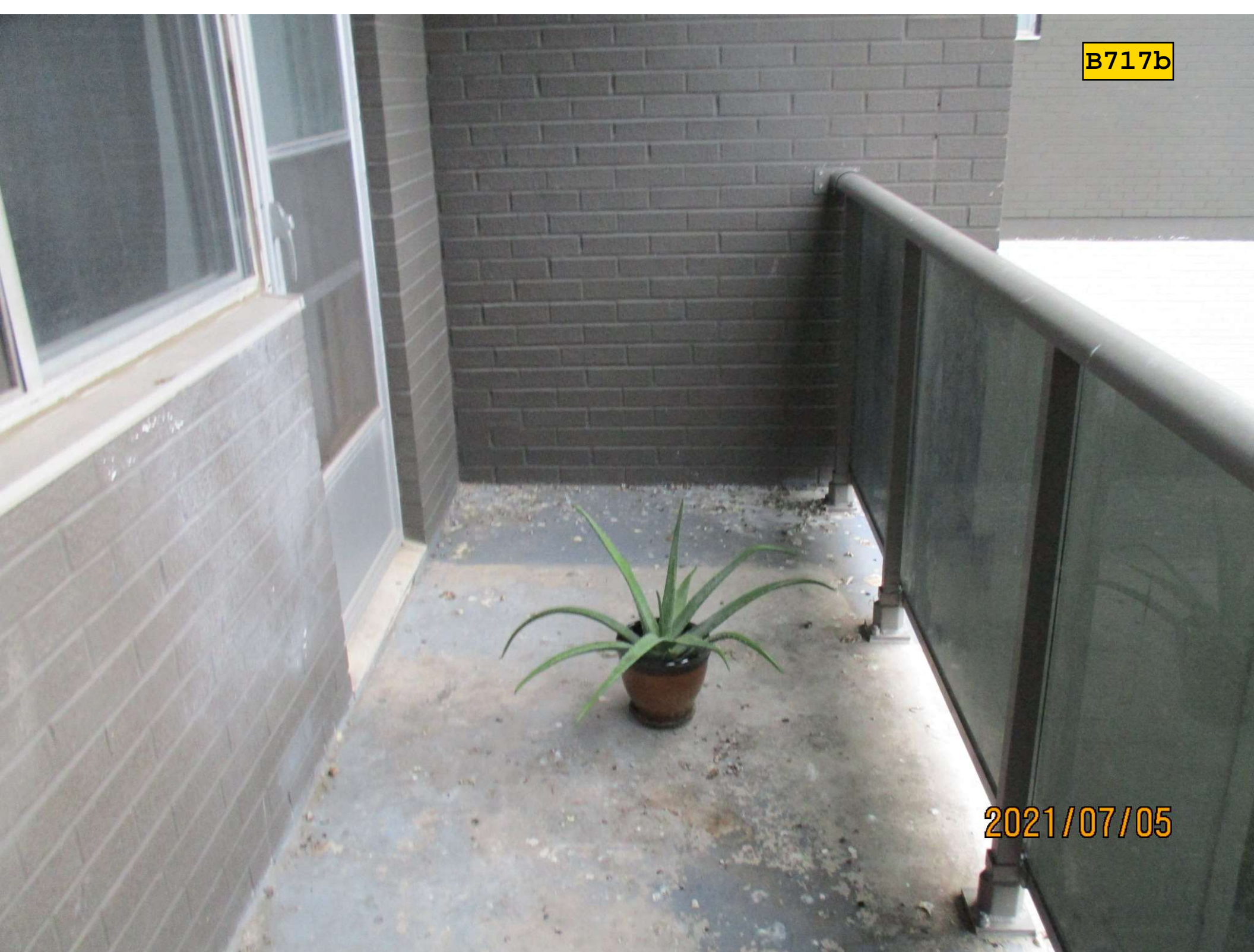
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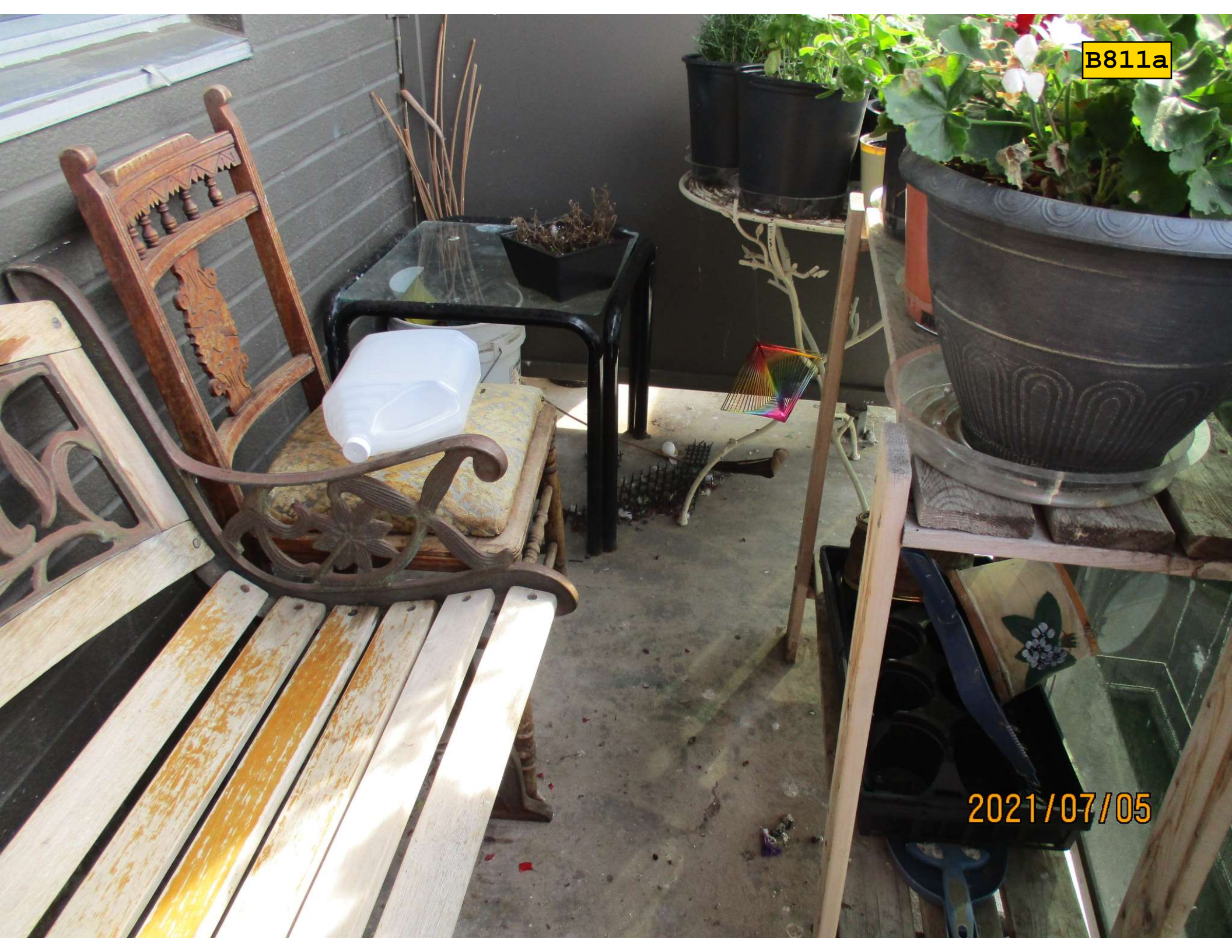


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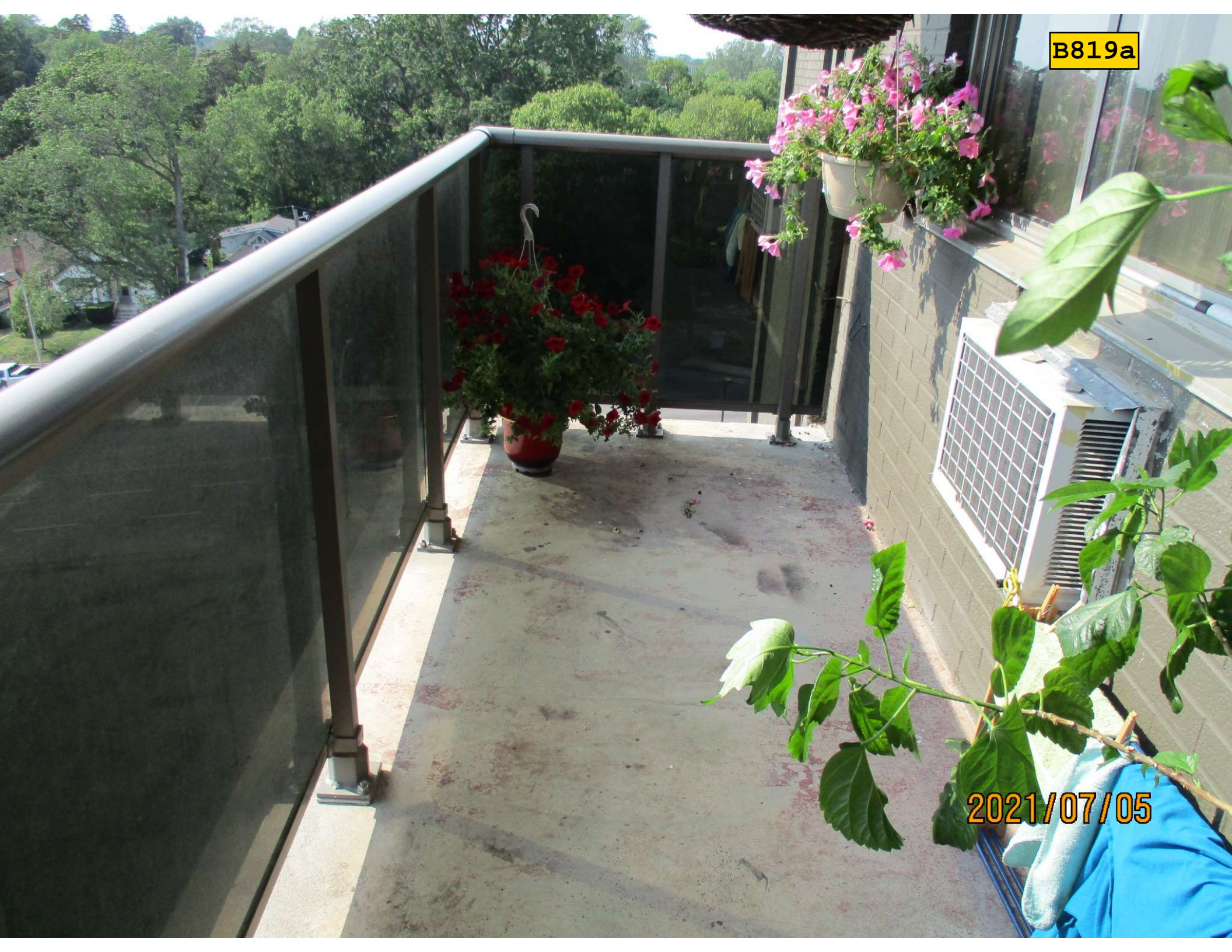
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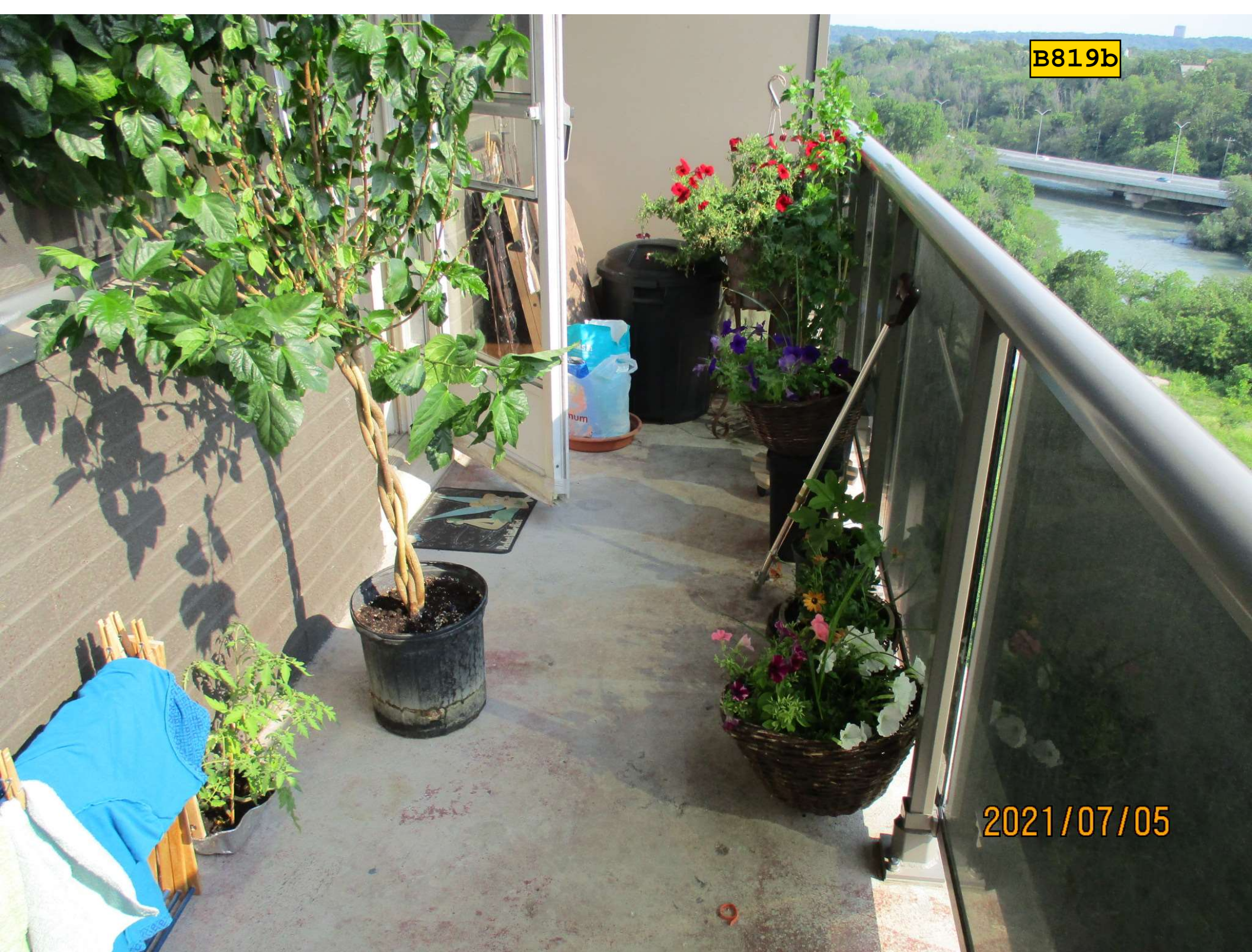


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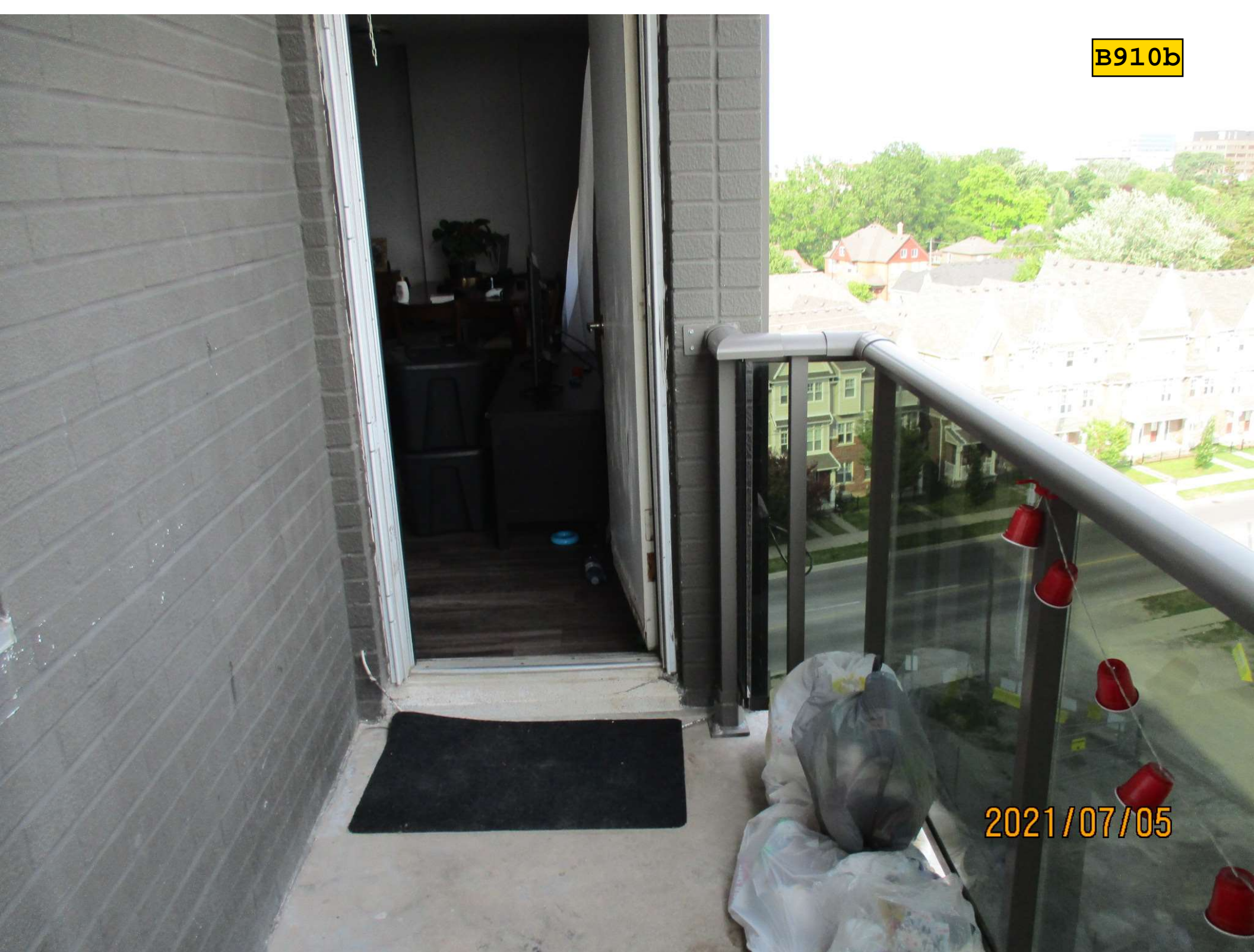
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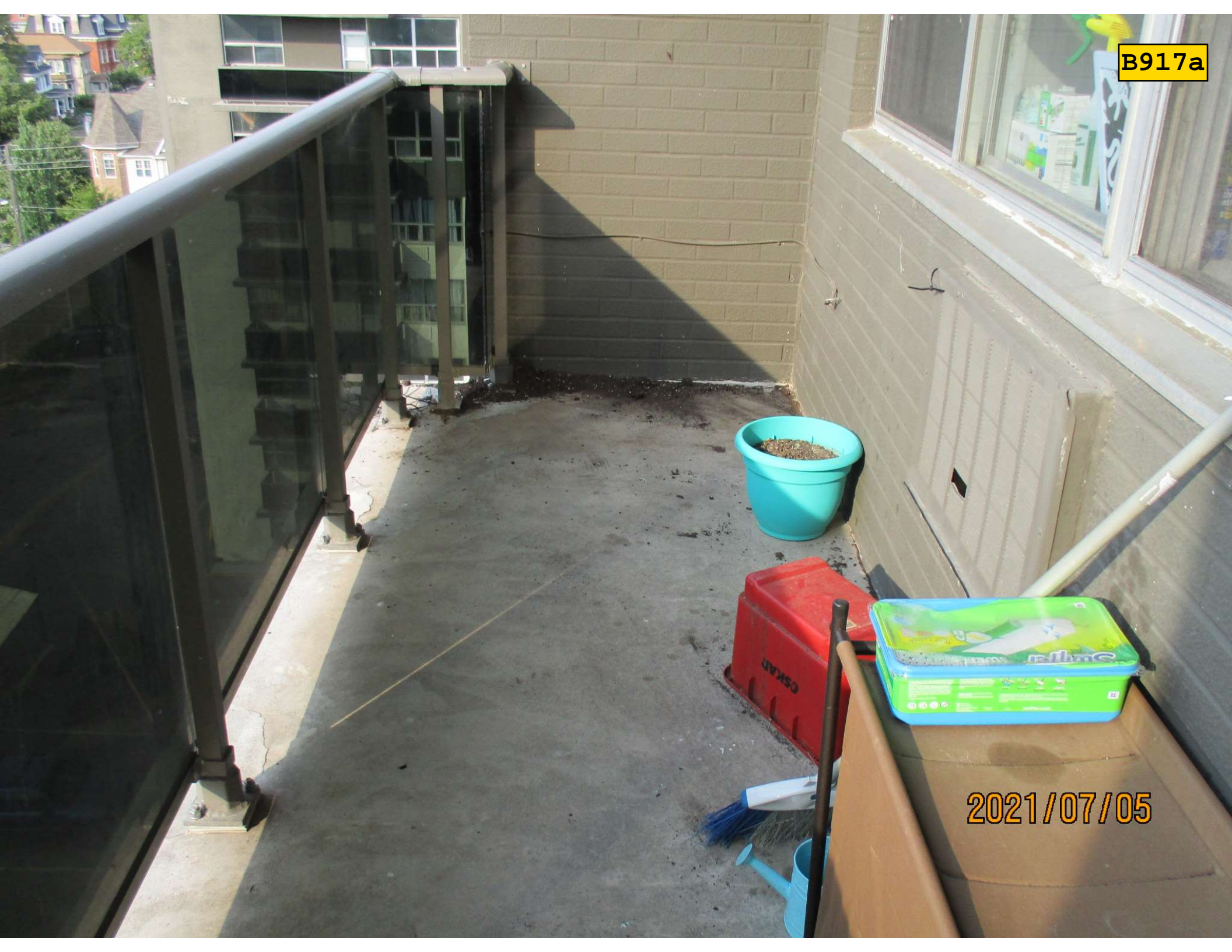
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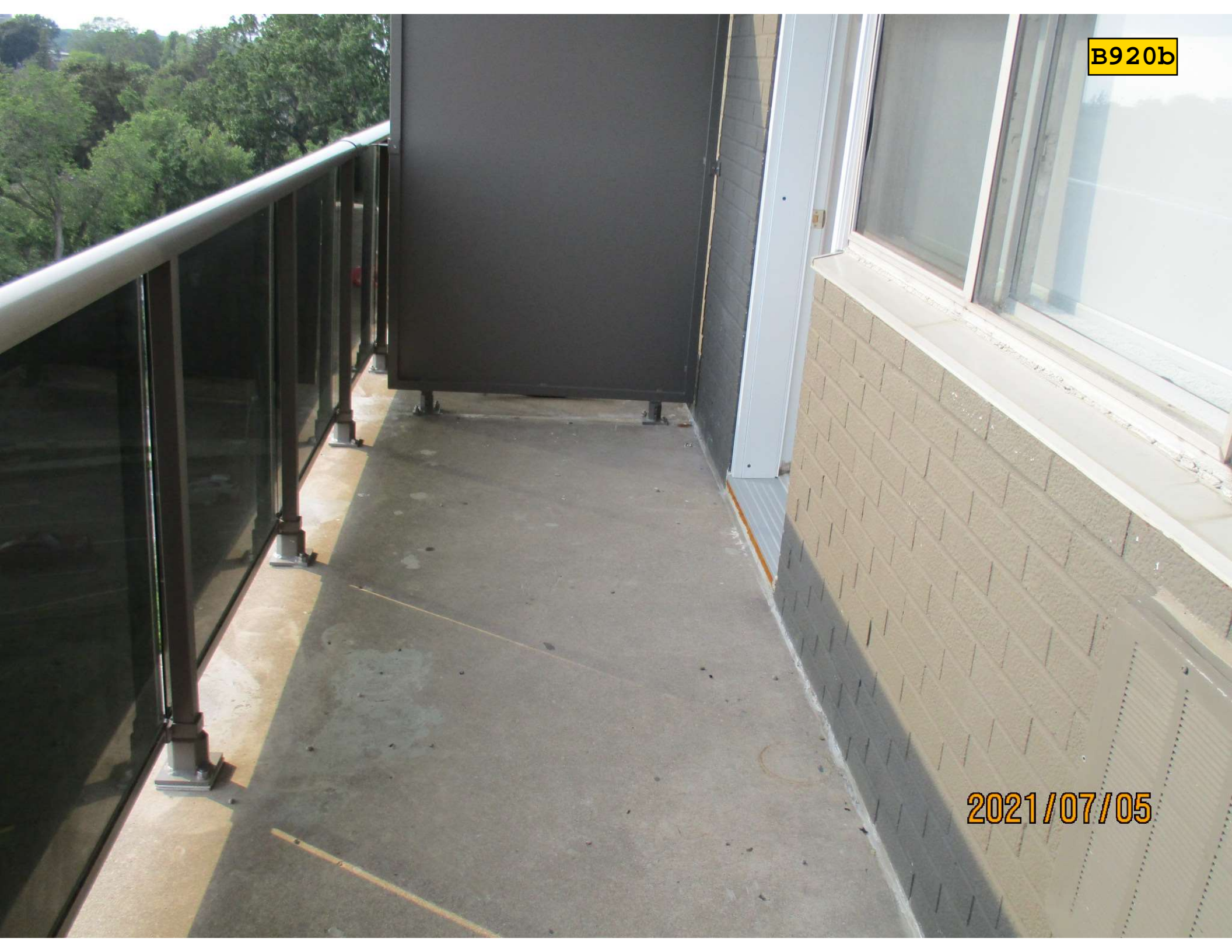


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F02

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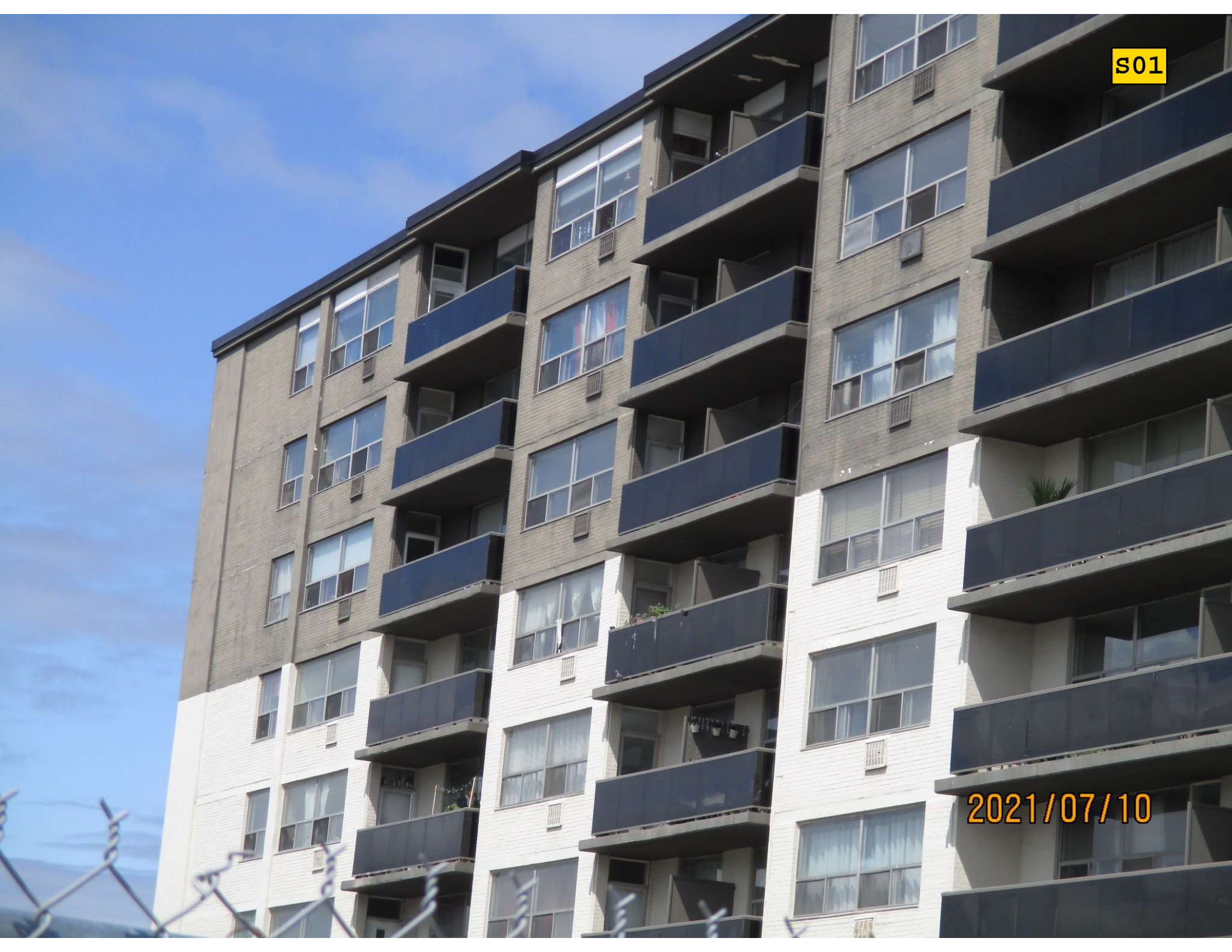


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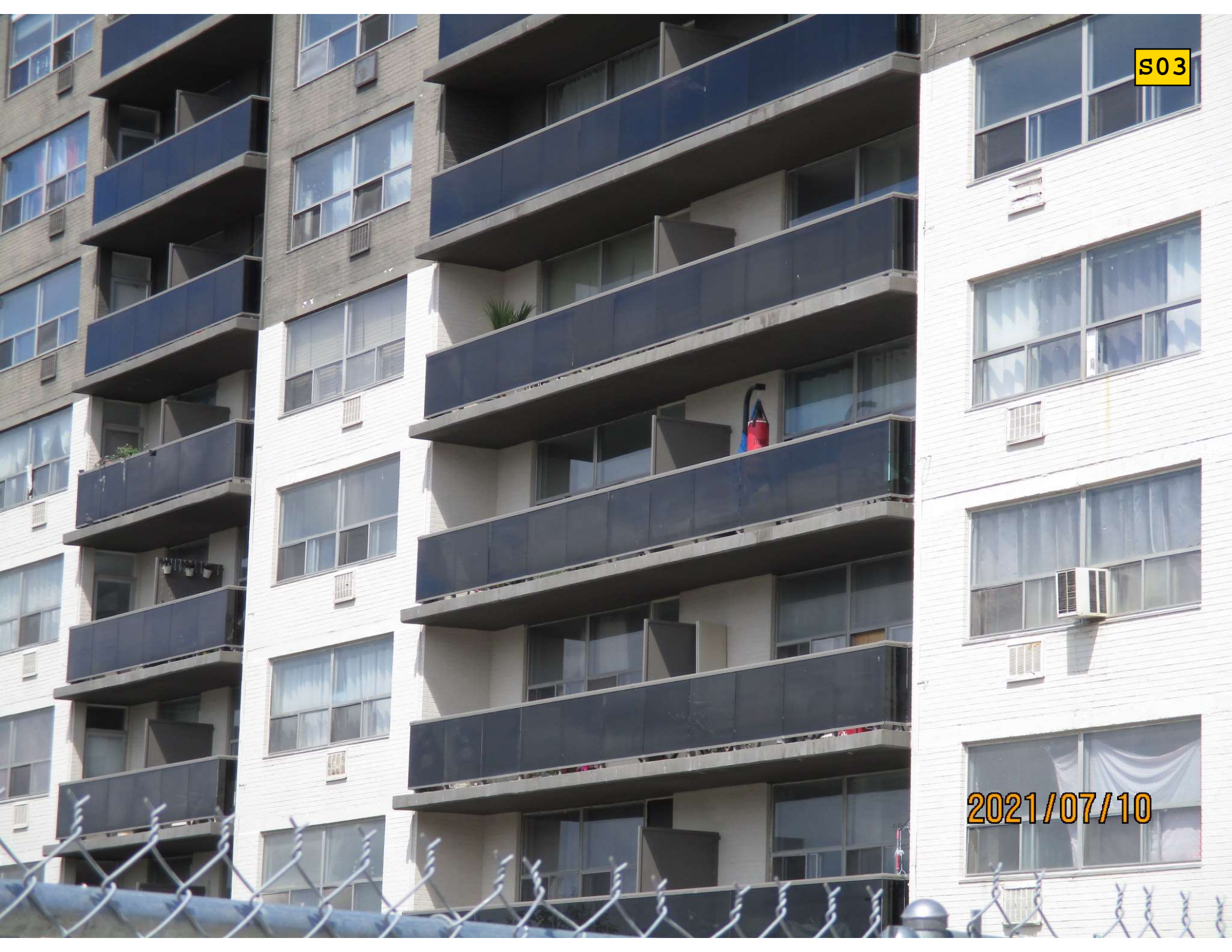


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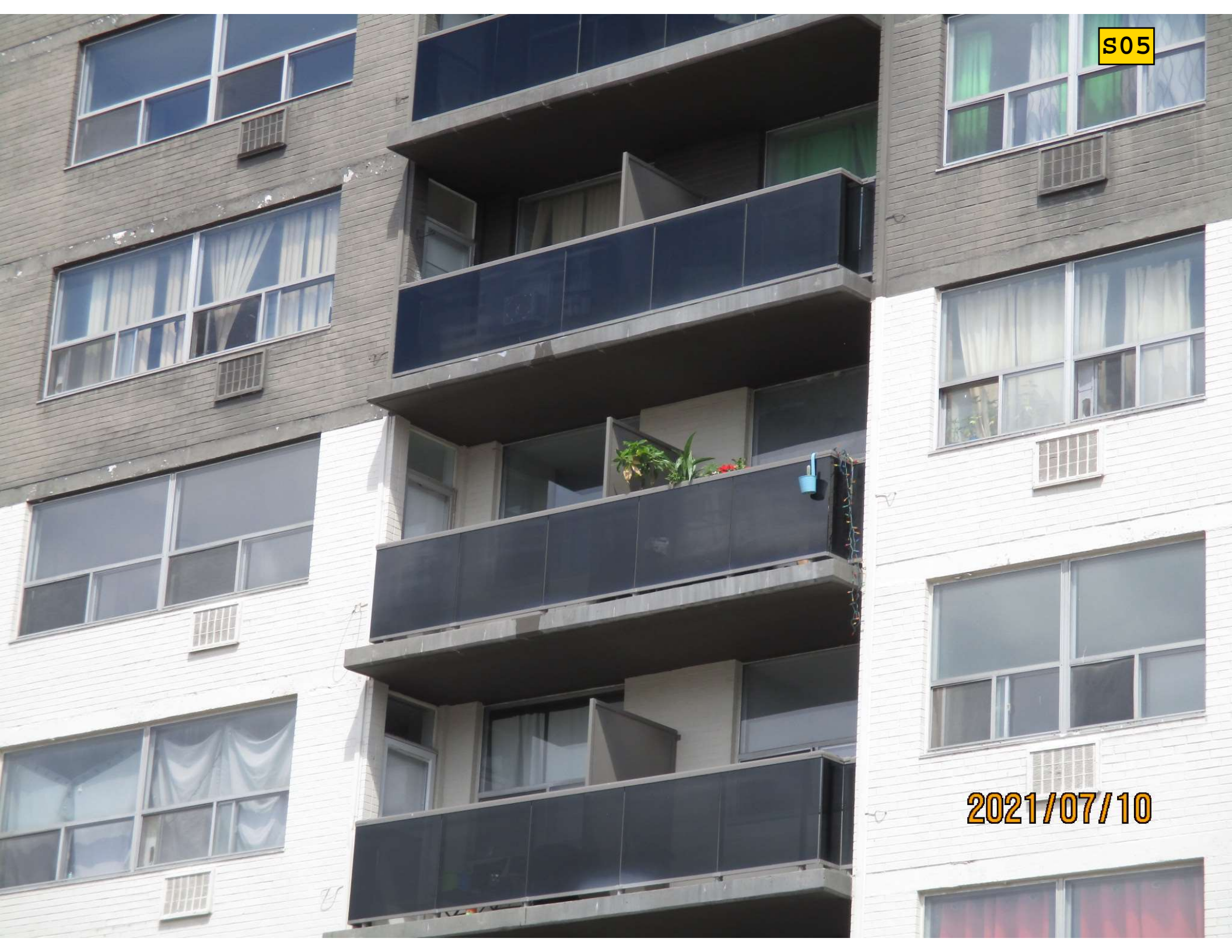


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W01



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W02

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W04

2021/11/19





## **Tab 2 – Boiler Replacement**



1. In his Tab 2 the applicant relies upon two letters from from Sure-Fix Services Group, dated February 3<sup>rd</sup>, 2023, recommending and then enumerating a furnace replacement project as his primary evidence.
2. A secondary itemization comes from PID Controls, dated October 7<sup>th</sup>, 2022 for a building automation system to be installed.
3. The L5 application says: "Heating and DHW boiler replacement required as unit at end of useful life. Replacement promotes energy efficiency & ensures hot water supply for building residents. Building automation system installed to promote energy efficiency."
4. This project was conducted in secrecy and the respondents learned of it for the first time in the applicant's L5 application.
5. The applicant has not provided additional evidence showing execution or completion of this project.
6. As the building's boiler systems are secured behind an explosion rated door (F01) the respondents have no access to first hand knowledge of these events, which prevents us from offering rebuttal evidence or testimony on this project.
7. The previous system was claimed on SOL-67472 (F02) with a completion date of November 14<sup>th</sup>, 2014 and a lifetime of 15 years.
8. The previous system was only half way through it's rated 15 year usable life when replaced.
  - A. It seems unlikely that a competently maintained system would fall to such disrepair in such a short time.

Therefore:

The respondents assert their right to participate fully in this part of the proceeding has been withheld by the applicant.

The applicant has provided no evidence showing the project was completed.

Failing the provision of credible evidence to show need, execution and completion of the project this claim should be dismissed as unjust and beyond fair litigation.



F01

Boiler  
Room

2017/02/09 14:45





SOL-67472-16

### A. Description and Costs

If you are applying for reason #4 you must fill out this schedule. If you are applying for more than five capital expenditure items, complete additional copies of this schedule. See the L5 instructions for further information.

Item#	Description of Capital Expenditures	Date Completed (dd/mm/yyyy)	Useful Life	Labour/ Material and Contract Costs	Landlord's Own Labour Hours x Rate = Total	Total Costs
#1	BOILER SYSTEM	25/11/2014	15	\$255,278.30		\$255,278.30

*Attach additional sheets if necessary*

Shade the circle completely to show whether or not the costs affect all the rental units in the complex.

- ☒ The costs listed above affect all of the rental units in the complex.
- ☐ The costs for one or more of the items listed above affect some, but not all of the rental units in the complex.

### B. If any of the capital expenditure items affect some, but not all of the rental units in the complex, list the item number(s) and provide the following details.

Item#	Column 1 Units that are affected by the item and are covered by this application (list unit numbers)	Column 2 Units that are affected by the item but are <b>not</b> covered by this application (list unit numbers)

*Attach additional sheets if necessary*



## **Tab 3 – Elevator Modernization**



1. The applicant's Tab 3 provides a comprehensive proposal, as well as a post project review, prepared by Rooney Irving and Associates.
2. The L5 Application says: "Elevator modernization required to ensure reliability and safety of the building occupants".
3. The respondents are satisfied that the proposal and completion documentation is accurate.
4. The respondents also agree that given the 50 year age of this elevator equipment, the modernization was appropriate.
5. The Assessment document carries the following recommendation on page 1:  
"Almost all the major components of the existing elevator system should be covered under the terms of a full maintenance program. On the assumption that there is such an agreement in place, there should be no major capital expenses to replace or repair these components within the expected life of the system."
6. Later in the documents it is noted that the elevators are maintained by Thyssen Krupp Elevators.

Therefore:

Upon reviewing the documentation, the respondents agree this is an eligible capital expenditure.

We request an adjustment of the overall cost, in accord with #5, above, to remove the costs of any components that are covered by maintenance contracts.



## **Tab 4 – Concrete Enclosure**



1. The applicant's Tab 4 carries the contract and an itemization of tasks written by Holt Restoration.
2. The L5 Application says: "Enclosure required to protect and restore physical integrity of the building."
3. The applicant has provided no evidence of need for or benefit from this enclosure.
4. The enclosure is a new addition to the building, tucked into an inside corner near the rear lobby entrance. (E01)
5. Before this abomination was built, the rear lobby entrance was an open, well lit, safe passageway for building residents. (E02)
6. There is an outside stairwell near the rear lobby entrance. (E02)
  - A. The stairwell was guarded by high fences.
  - B. In my 40 years living here I've not heard anything about problems with this juxtaposition of building elements.
7. The new enclosure sits astraddle of this exterior stairwell (E03)
  - A. As a result the rear lobby entrance is now almost blocked by the enclosure.
  - B. There is barely enough room for the rear lobby door to swing open.
  - C. The overhead light on the bottom of the balcony above is blocked causing the entire area to be very dark at night.
  - D. It is now very difficult to move larger objects such as couches in or out through that door.
8. The new enclosure raises security issues in that it creates several spots where someone can hide without being noticed, in order to attack a resident or bolt into the building, through the open door. (E03, E04)
9. The new enclosure does not increase safety of the stairwell as the entrance to the stairwell is still fully open.
10. This is a free standing structure that lends no structural support to the rest of the building and does not contribute to the overall structural integrity of the building.

Therefore:

The respondents assert the applicant has not met his burden of proof for this project.

The stairwell enclosure does not protect and restore the physical integrity of the building and is not an eligible capital expenditure per Ontario Regulation 516/06 p.18 and the Residential Tenancies Act p.126 and, thus, the claim for capital expenditures should be denied.

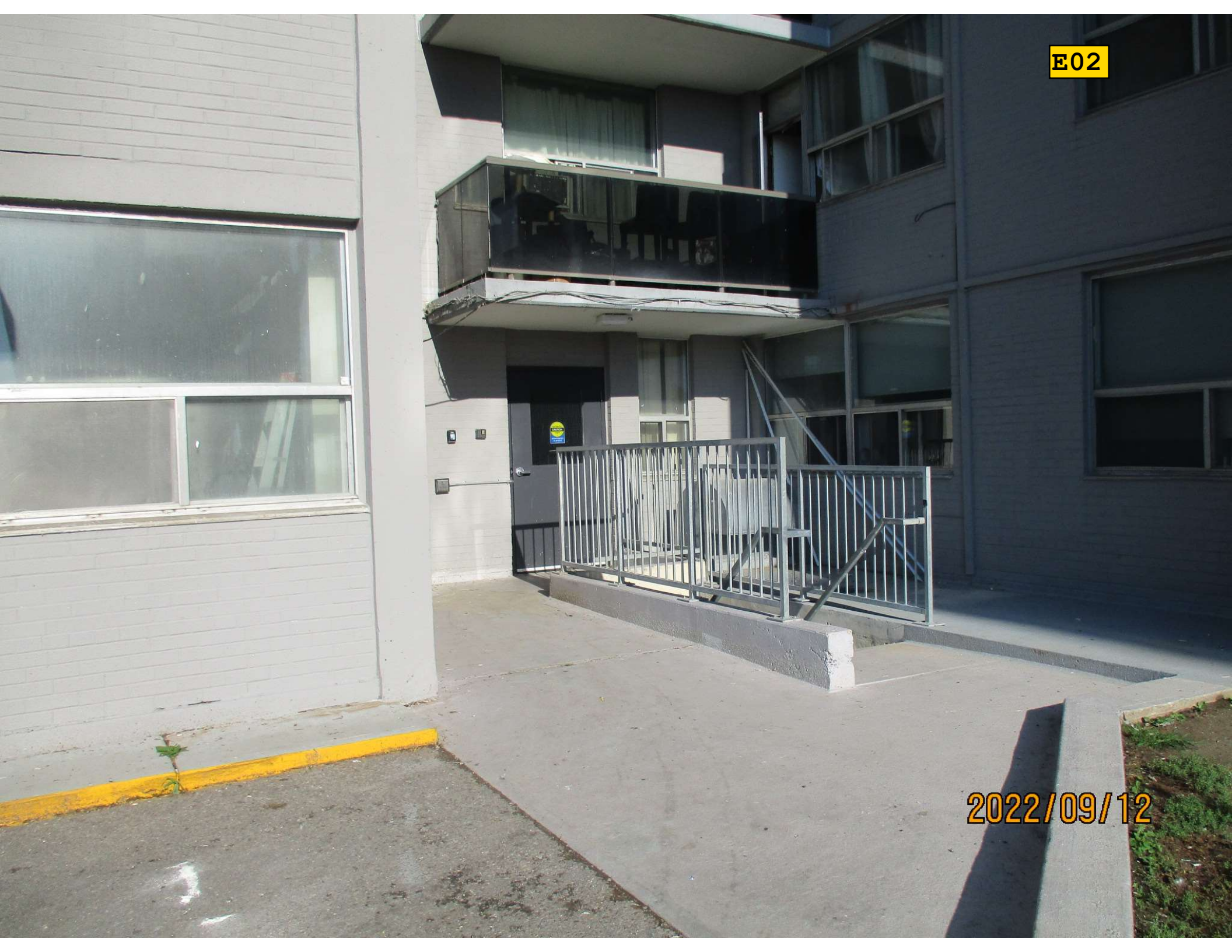
Moreover; this enclosure is such a bad idea that we request that it should be removed and the rear lobby entrance should be restored to it's previous state.

E01





E02



2022/09/12



E03

2022/11/09





E04

2022/11/09



## **Tab 5 – Security And Intercom**



1. The applicant's Tab 5 relies solely on a letter originating from within InterRent expounding on the need for a more modern, internet of things (IOT) connected, security system and the need for new cameras.
  - A. The only reason given is that one of their staff was assaulted by a tenant.
2. The L5 application says: "Security cameras and intercom system replaced to improve security of the residential complex".
3. First, it should be noted that cameras are not security devices, they are surveillance devices.
  - A. This is obviated by the fact that even within camera view, it failed to stop an assault on one of their employees.
  - B. No matter how many cameras are present, a residential property is no safer or more secure than it would be without them.
  - C. The only improvement is the ability to identify the bad guys after an incident occurs.
4. While the proliferation of IOT cameras will allow monitoring of the common areas in apartment buildings, it also poses a threat to Tenant Privacy in that their movements in and around the building are increasingly tracked and recorded.
5. The second part of this item is about the lobby intercom system and it comes with quite the story.
  - A. The previous intercom was installed in 2015 by NorthView (L02)
  - B. In late January of 2022 we received email notification that we had to update our lobby intercom information before January 25<sup>th</sup> 2022 or we would not be able to access the new lobby intercom. (L01)
  - C. Three days later an "Out Of Order" notice appeared on the in-use system. (L03)
  - D. Shortly after that, tenants began contacting me and asking when the intercom would be fixed, worrying they were missing deliveries and important visits.
  - E. We also had to consider that in an emergency, first responders might not be able to access the building.
  - F. I went to the machine and repeatedly tried to call my own access number, but the message "Line not connected" appeared each time. (L04)
  - G. In contact with Oliver Filip, the regional property manager, I was told the intercom had failed and complex repairs needed to be executed and specialized technicians needed to be called in.
  - H. The following day I went downstairs again and test ran all the intercom system's client side functions, and observed them all working as normal. (L05, L06, L07)
  - I. I then contacted Bell Canada's service centre, explained the situation to them and discovered that the line had been disconnected by instructions from InterRent's home office in Ottawa.
  - J. I then made contact with the St Catharines Bylaw Enforcement, and discovered the intercom is considered to be a vital service under the local Property Standards bylaw.

"5.15.3 In Multiple Dwellings where there is a voice communication unit working in conjunction with a security locking and release system which controls a particular entrance door and is installed between individual Dwelling Units and a secured entrance area (such as is commonly found in the public entrance to apartment buildings), the said system shall be maintained in good working order at all times."

- K. Bylaw Enforcement accepted a verbal complaint, due to the urgency of the situation.
  - L. On February 18<sup>th</sup> 2022, the phone line was reconnected and the intercom system resumed normal use until the new lobby system was installed in May (L08)
6. I am left with no other conclusion than InterRent was creating a crisis in the building to justify the installation and capital expense claim of a new, much fancier, intercom system and putting their own tenants at risk to do so.
  7. While the previous intercom behaved flawlessly, the new 1Valet system has been problematic from the beginning.
    - A. The system is inherently less secure since the lobby door can be unlocked by anyone from anywhere at any time using the provided smartphone application.
    - B. The sound quality when speaking with someone in the lobby is atrocious and most times people need to repeat themselves multiple times to be understood.
    - C. Some tenants have been locked out of the system's code entry function and left with no means to open the door for a visitor. Multiple maintenance requests have been filed for this problem.
  8. Since InterRent does not employ a Superintendent for this building, the most likely reason for wanting such advanced, remotely accessible, equipment is to monitor and track activity in the building.

Therefore:

The respondents assert that the new cameras and lobby intercom are not “promoting security” but are in fact reducing the security of this property.

The applicant has failed to show any valid reason to replace the previous intercom system and has failed in his burden of proof.

The applicant behaved disingenuously in attempting to justify replacing it via a manufactured failure.

This claim should be disallowed.



Dear LD,

We are excited to announce upgrades to the building intercom system in the near future. As a part of this planned upgrade and to allow you to access the full functionality we would like ensure your mobile phone number and email are up to date in our system.

If you have changed your cell phone number or email please confirm via email to [stcatharines-admin@rentclv.com](mailto:stcatharines-admin@rentclv.com) with your apartment number / address with the new information so we can update it on our end no later than **Tuesday January 25<sup>th</sup> 2022**.

Without the proper mobile number and email address, you will not receive the activation instructions which are required to take full advantage of the new features. Your information can also be updated through the Resident Portal. You can create and access your account at <https://www.clvgroup.com/residentportal>.

If you have any occupants who are not listed on your lease file with us that you would like to have access through the new intercom, please let us know in writing no later than **Tuesday January 25<sup>th</sup> 2022** so we can instruct accordingly.

More information to follow regarding the new system.

Sincerely,

**CLV Group and InterRent REIT**



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You are receiving this email because you are a valued resident of our CLV Group and InterRent REIT community!

**Our mailing address is:**

CLV Group and InterRent REIT  
200-485 Bank St  
Ottawa, ON K2P 1Z2  
Canada

[Add us to your address book](#)

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You can [update your preferences](#), [unsubscribe from this list](#) or [préférence de langue](#)

L02

TUESDAY  
11AM - 2PM  
THURSDAY  
11AM - 2PM  
For Resident Relations Call 905-646-0861  
to speak with a CLV Group Representative

905-728-3003  
EMERGENCY MAINTENANCE ONLY

Delivery notice  
Avis de livraison  
Canpar  
130802 638 634 483  
130802 638 634 483

Delivery notice  
Avis de livraison  
Canpar  
130802 638 634 483  
130802 638 634 483

Canpar  
Sorry we missed you!  
Désolé on vous a manqué!  
RESIDENTIAL DELIVERY  
We attempted to deliver your package but were unable to do so. Please check the delivery status on the Canpar website or call 1-800-361-2222.  
We will make another attempt on the next business day.

FedEx  
Express  
Door Tag  
Package(s) not delivered  
Delivery Attempts  
Delivery Requirements  
Door Tag Number  
DT8139 1583 1158

2023/02/14





You  
Thank  
Rover

Apt #3

EMERGENCY LINE 91-875-728-3003

stcatharines-admin@clvgroup.com  
**905-646-0861**

# OUT OF ORDER

[illegible]

2022/02/07

Line not connected  
Please check line  
or try again

2022/02/13



Welcome  
To view directory  
press ↑ and ↓ keys  
To scroll directory  
pages press \* and #  
keys. To make a call  
press the call key  
To hangup press \*  
key. For help press  
the i key

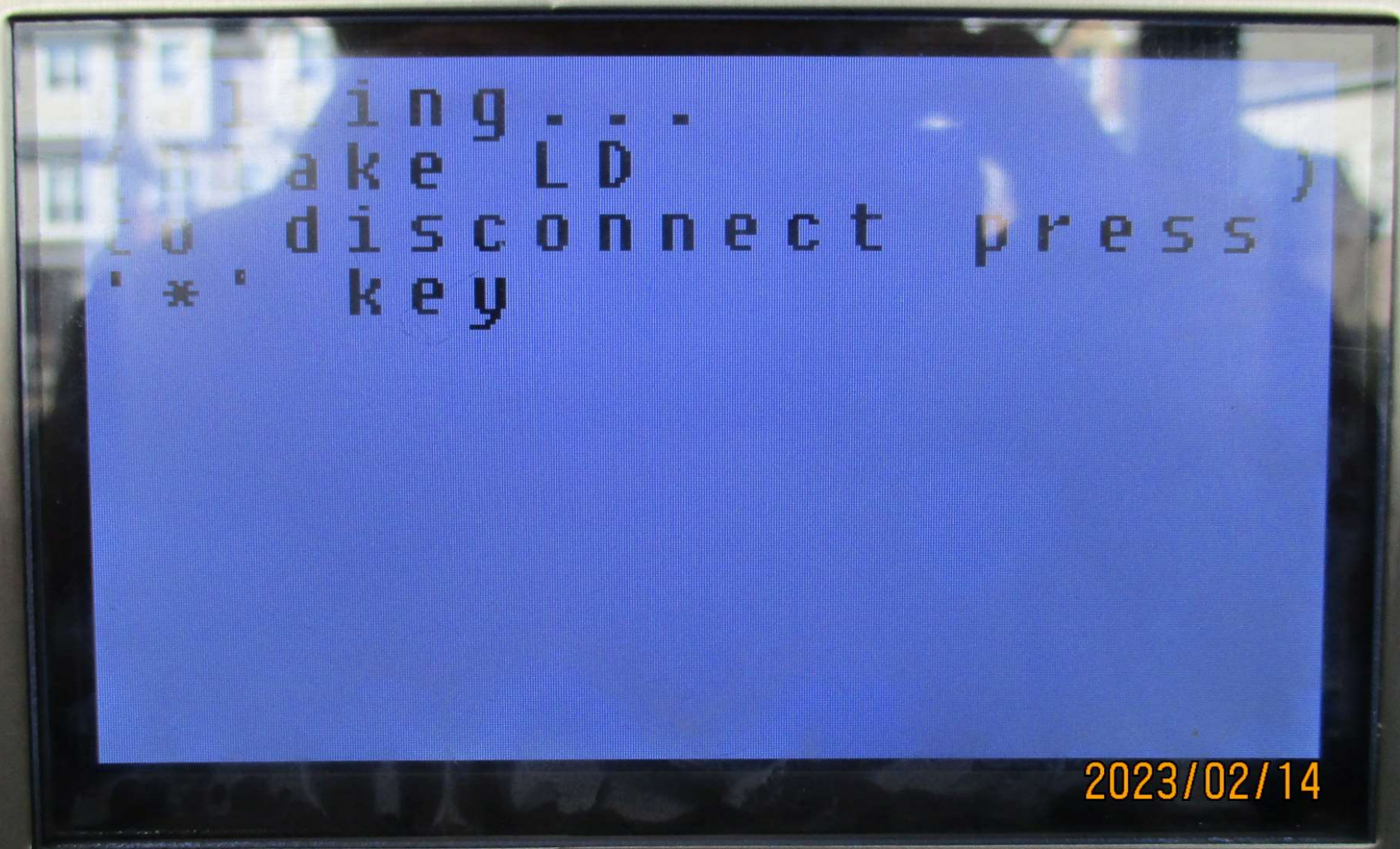
2023/02/14



Nomme		518
A Quinn		518
A, Burmy		709
Abdulbaqi	R	5506
Abhishek		902
Add		116
Ahmed Al-Adely		704
Akinreti		5051
Albayed	N	4111
Alnawaz		↓ 118

2023/02/14





2023/02/14



1/1/86	1-1-1986	RECEIVED RECEIVED MAIL	MAIL 20 200	P3 200 RECEIVED
1/1/87 MAIL	1-1-1987	RECEIVED RECEIVED MAIL	P1 50	P3 100 RECEIVED
1/2/87 MAIL	1-2-1987	RECEIVED RECEIVED MAIL	P1 100 RECEIVED	RECEIVED RECEIVED MAIL
1-2-1987 MAIL	1-2-1987 MAIL	RECEIVED RECEIVED MAIL	P1 100	RECEIVED RECEIVED MAIL
1-2-1987 MAIL	1-2-1987 MAIL	RECEIVED RECEIVED MAIL	P2 50	
1-2-1987 MAIL	1-2-1987 MAIL	RECEIVED RECEIVED MAIL	P2 100	
1-2-1987 MAIL	1-2-1987 MAIL	RECEIVED RECEIVED MAIL	P2 100	
1-2-1987 MAIL	1-2-1987 MAIL	RECEIVED RECEIVED MAIL	P3 50	

A photograph of a control panel with various buttons and indicators. The buttons are labeled: PERFORMANCE MODE, REMOTE RELEASE, SYSTEM RESET, FIRE DRILL, EXTENSION LEADER, GENERAL ALARM, COMMONS PROFILE, A.C. OFF, LAMP TEST, AUXILIARY DISCONNECT, SMOKE RELEASE, and NORMAL SILENCE. A green light is illuminated next to the REMOTE RELEASE button.



2023/05/12



# Summation

To our Adjudicator:

1. I don't care how much money the applicant has spent.
2. Each claimed expenditure has to pass a simple 2 point test before a rent increase can be calculated.
3. First it has to qualify as a *Capital Expenditure* per the definition in Oreg 516/06 p.18 which says:

18. (1) In the Act and in this Part,

“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; (“dépense en immobilisations”)

4. Then it has to pass the test in the Residential Tenancies Act p.126 to be considered an *Eligible Capital Expenditure* which says:

Eligible capital expenditures

(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. 2006, c. 17, s. 126 (7); 2017, c. 13, s. 22 (3).

Exception

(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,

(a) access for persons with disabilities;

(b) energy or water conservation; or

(c) security of the residential complex or part of it. 2006, c. 17, s. 126 (8).



5. It is important to note that neither of these qualifiers are financial. One dollar or a million, the qualifiers remain the same.
6. So, I still don't care how much the applicant has spent, despite his heavy reliance on contracts and cost estimates in his evidence package.
7. Moreover, the onus of proof is on the applicant, who must demonstrate to a reasonable balance of probability, against rebuttals from the respondents, that each claimed item does indeed meet the criteria for an Eligible Capital Expenditure.
8. In every claimed expense, except #3, this applicant has failed to validate his claims with evidence or testimony that would satisfy these requirements.
9. In my submissions, I have shown the applicant to be both deceptive and disingenuous.
  - A. In item #1, the attempt was to push the claim through even though he would have known the balconies did not need repairs.
  - B. In item #2, the work was done in secrecy, denying the respondents' right to gather evidence and participate equally in the hearing.
  - C. In item #4, no evidence for the need of the new construction was provided.
  - D. In item #5, the applicant actually faked a failed intercom in an attempt to justify his spending.
10. Old school wisdom still applies: *If it ain't broke, don't fix it.*
11. These are not the actions of a reasonable litigant who is seeking a fair resolution to his application. They are far more akin to someone who feels entitled to be dishonest in the attempt to drive up his tenant's rents.

For these reasons, based on evidence given, the respondents ask you to disallow all claims except #3.

Sincerely,

A handwritten signature in black ink, appearing to read "LDB" followed by a stylized flourish.

# Agency Authorization



Please note:

To protect tenant privacy Agency Authorization is not listed in the public version of this document.