



Order under Section 126
Residential Tenancies Act, 2006

In the matter of: 165 Ontario St, St Catharines ON L7R5K4

Between: Trinity 165 Ontario Inc C/O Landlord
Transglobe Property
Management

and

Refer to attached Schedule 2 Tenants

Trinity 165 Ontario Inc C/O Transglobe Property Management (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 heard in St. Catharines on September 16, 2010.

The following parties attended the hearing:

For the Landlord: Paul Cappa, legal representative;
The Tenants: Cindy Ackley, Lisa Barraco, LD Blake, Florian Batacan, Maria Edelman, Glenn Edgley, Lindsay Evoy, Nigel Flynn, Kenneth Jacques, Lynda Johnston, Jocelyn Malangis, Randy McNabb, James Miles, Steven Parkhill, Sylvia Ryan, Marlene Sawatsky and Rajiv Singh.

At the hearing, and after the assistance of a Board Mediator, the parties consented to the following order:

Upon the consent of the parties it is determined that:

1. The Landlord justified a rent increase above the guideline because of capital expenditures. The agreed to increased amounts are set out in the order below.

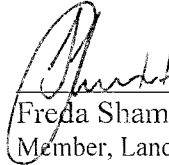
It is ordered that:

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 First Effective date for the increase is July 1, 2010.
4. The average useful life for the work done is agreed to be 13 years.
5. The Landlord or the Tenants shall pay to the other any sum of money that is owed as a result of this order.

October 1, 2010

Date Issued


Freda Shamatutu
Member, Landlord and Tenant Board

If you have any questions about this order, call 416-645-8080 or toll free at 1-888-332-3234.

Southern

6th floor, 119 King Street West

Hamilton ON L8P 4Y7

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. The ordered increase does not affect tenants who moved into the complex on or after April 2, 2010. The landlord cannot add the ordered increase to the rents these tenants pay.

Schedule 3 - Ordered Rent Increase Above the GuidelineFirst Effective Date of Rent Increase in this Order is **July 1, 2010**

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.

Unit	For the period July 1, 2010 to June 30, 2011						Weighted Useful Life for Capital Exp. *	Total % for Cap. Exp.
	% inc for Taxes	% inc for Cap. Exp.	% inc for Utili-ties	% inc for Sec. Serv.	Total Increase (excludes guideline)			
117, 165 Ontario St, St Catharines	0	0.50	0	0	0.50		13.00	0.50
118, 165 Ontario St, St Catharines	0	2.00	0	0	2.00		13.00	2.00
119, 165 Ontario St, St Catharines	0	2.00	0	0	2.00		13.00	2.00
201, 165 Ontario St, St Catharines	0	2.00	0	0	2.00		13.00	2.00
202, 165 Ontario St, St Catharines	0	2.00	0	0	2.00		13.00	2.00
205, 165 Ontario St, St Catharines	0	2.00	0	0	2.00		13.00	2.00
206, 165 Ontario St, St Catharines	0	1.00	0	0	1.00		13.00	1.00
207, 165 Ontario St, St Catharines	0	2.00	0	0	2.00		13.00	2.00
208, 165 Ontario St, St Catharines	0	0.50	0	0	0.50		13.00	0.50
209, 165 Ontario St, St Catharines	0	2.00	0	0	2.00		13.00	2.00
210, 165 Ontario St, St Catharines	0	2.00	0	0	2.00		13.00	2.00
212, 165 Ontario St, St Catharines	0	2.00	0	0	2.00		13.00	2.00

* 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.

The annual guideline for 2010 is 2.1% and for 2011 is 0.7%.

File Number: SOL-26605

Catharines	0	2.00	0	0	2.00
217, 165 Ontario St, St Catharines	0	2.00	0	0	2.00
219, 165 Ontario St, St Catharines	0	2.00	0	0	2.00
220, 165 Ontario St, St Catharines	0	2.00	0	0	2.00
301, 165 Ontario St, St Catharines	0	0.50	0	0	0.50
305, 165 Ontario St, St Catharines	0	0.60	0	0	0.60
306, 165 Ontario St, St Catharines	0	1.00	0	0	1.00
309, 165 Ontario St, St Catharines	0	2.00	0	0	2.00
310, 165 Ontario St, St Catharines	0	2.00	0	0	2.00
311, 165 Ontario St, St Catharines	0	2.00	0	0	2.00
312, 165 Ontario St, St Catharines	0	2.00	0	0	2.00
315, 165 Ontario St, St Catharines	0	0.60	0	0	0.60
318, 165 Ontario St, St Catharines	0	0.50	0	0	0.50
319, 165 Ontario St, St Catharines	0	2.00	0	0	2.00
401, 165 Ontario St, St Catharines	0	2.00	0	0	2.00
404, 165 Ontario St, St Catharines	0	0.50	0	0	0.50
405, 165 Ontario St, St Catharines	0	0.50	0	0	0.50
407, 165 Ontario St, St Catharines	0	0.50	0	0	0.50
408, 165 Ontario St, St Catharines	0	2.00	0	0	2.00

* 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.

The annual guideline for 2010 is 2.1% and for 2011 is 0.7%.

Catharines									
409, 165 Ontario St, St Catharines	0	2.00	0	0				13.00	2.00
410, 165 Ontario St, St Catharines	0	2.00	0	0				13.00	2.00
411, 165 Ontario St, St Catharines	0	0.50	0	0				13.00	0.50
412, 165 Ontario St, St Catharines	0	2.00	0	0				13.00	2.00
414, 165 Ontario St, St Catharines	0	0.60	0	0				13.00	0.60
415, 165 Ontario St, St Catharines	0	0.50	0	0				13.00	0.50
417, 165 Ontario St, St Catharines	0	2.00	0	0				13.00	2.00
418, 165 Ontario St, St Catharines	0	0.50	0	0				13.00	0.50
419, 165 Ontario St, St Catharines	0	2.00	0	0				13.00	2.00
420, 165 Ontario St, St Catharines	0	0.50	0	0				13.00	0.50
501, 165 Ontario St, St Catharines	0	2.00	0	0				13.00	2.00
503, 165 Ontario St, St Catharines	0	2.00	0	0				13.00	2.00
504, 165 Ontario St, St Catharines	0	2.00	0	0				13.00	2.00
506, 165 Ontario St, St Catharines	0	2.00	0	0				13.00	2.00
507, 165 Ontario St, St Catharines	0	2.00	0	0				13.00	2.00
508, 165 Ontario St, St Catharines	0	2.00	0	0				13.00	2.00
509, 165 Ontario St, St Catharines	0	0.60	0	0				13.00	0.60
510, 165 Ontario St, St Catharines	0	0.50	0	0				13.00	0.50

* 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.

The annual guideline for 2010 is 2.1% and for 2011 is 0.7%.

File Number: SOL-26605

Catharines	0	0.50	0	0	0	0.50
511, 165 Ontario St, St Catharines	0	0.50	0	0	0	0.50
515, 165 Ontario St, St Catharines	0	0.50	0	0	0	0.50
516, 165 Ontario St, St Catharines	0	0.50	0	0	0	0.50
517, 165 Ontario St, St Catharines	0	2.00	0	0	0	2.00
518, 165 Ontario St, St Catharines	0	0.50	0	0	0	0.50
519, 165 Ontario St, St Catharines	0	0.50	0	0	0	0.50
520, 165 Ontario St, St Catharines	0	2.00	0	0	0	2.00
601, 165 Ontario St, St Catharines	0	2.00	0	0	0	2.00
602, 165 Ontario St, St Catharines	0	2.00	0	0	0	2.00
604, 165 Ontario St, St Catharines	0	0.50	0	0	0	0.50
605, 165 Ontario St, St Catharines	0	0.50	0	0	0	0.50
606, 165 Ontario St, St Catharines	0	2.00	0	0	0	2.00
608, 165 Ontario St, St Catharines	0	0.50	0	0	0	0.50
609, 165 Ontario St, St Catharines	0	2.00	0	0	0	2.00
610, 165 Ontario St, St Catharines	0	2.00	0	0	0	2.00
611, 165 Ontario St, St Catharines	0	2.00	0	0	0	2.00
612, 165 Ontario St, St Catharines	0	2.00	0	0	0	2.00
614, 165 Ontario St, St Catharines	0	0.50	0	0	0	0.50

* 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.

The annual guideline for 2010 is 2.1% and for 2011 is 0.7%.

File Number: SOL-26605

Catharines									
615, 165 Ontario St, St Catharines	0	0.50	0	0	0	0.50		13.00	0.50
616, 165 Ontario St, St Catharines	0	0.50	0	0	0	0.50		13.00	0.50
618, 165 Ontario St, St Catharines	0	0.50	0	0	0	0.50		13.00	0.50
619, 165 Ontario St, St Catharines	0	2.00	0	0	0	2.00		13.00	2.00
620, 165 Ontario St, St Catharines	0	0.50	0	0	0	0.50		13.00	0.50
701, 165 Ontario St, St Catharines	0	0.50	0	0	0	0.50		13.00	0.50
702, 165 Ontario St, St Catharines	0	2.00	0	0	0	2.00		13.00	2.00
703, 165 Ontario St, St Catharines	0	2.00	0	0	0	2.00		13.00	2.00
704, 165 Ontario St, St Catharines	0	0.50	0	0	0	0.50		13.00	0.50
705, 165 Ontario St, St Catharines	0	2.00	0	0	0	2.00		13.00	2.00
707, 165 Ontario St, St Catharines	0	0.50	0	0	0	0.50		13.00	0.50
708, 165 Ontario St, St Catharines	0	0.60	0	0	0	0.60		13.00	0.60
709, 165 Ontario St, St Catharines	0	2.00	0	0	0	2.00		13.00	2.00
710, 165 Ontario St, St Catharines	0	2.00	0	0	0	2.00		13.00	2.00
711, 165 Ontario St, St Catharines	0	0.50	0	0	0	0.50		13.00	0.50
712, 165 Ontario St, St Catharines	0	0.50	0	0	0	0.50		13.00	0.50
714, 165 Ontario St, St Catharines	0	2.00	0	0	0	2.00		13.00	2.00
717, 165 Ontario St, St Catharines	0	2.00	0	0	0	2.00		13.00	2.00

* 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.

The annual guideline for 2010 is 2.1% and for 2011 is 0.7%.

File Number: SOL-26605

[illegible]

* 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.

The annual guideline for 2010 is 2.1% and for 2011 is 0.7%.

File Number: SOL-26605

[illegible]

* 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.

The annual guideline for 2010 is 2.1% and for 2011 is 0.7%.