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File Number: SOL-40297-13

## NOTICE OF HEARING

Under section 174 of the *Residential Tenancies Act, 2006*

The Landlord and Tenant Board has scheduled a hearing

between: **RED STARLIGHT LP**

and **Please see Schedule of Parties (Respondents)**

concerning the rental unit located at:

**165 ONTARIO STREET ST CATHARINES ON L2R 5K4**

### Purpose of the hearing:

The landlord has filed an application with the Landlord and Tenant Board for a rent increase above the guideline. A copy of the application is attached to this notice. The Board will hold a hearing to make a decision about the application.

### Hearing time and place:

**When: Thursday, September 18, 2014 2:00 PM**

**Where: St. Catharines RM 1, 150 King Street, St. Catharines ON  
L2R7R4 MTO Building Ground Floor Room A**

**You must arrive at 1:30 PM to sign in for your hearing.**

It is very important for you to attend the hearing and be prepared to proceed. If you cannot attend the hearing, you should send someone who has your written permission to represent you. If you or your representative do not attend, the Board may hold the hearing without you and you will not be sent any further notice of the proceedings.

You may also bring a lawyer or agent to represent you. If you choose to be represented, you should make arrangements for a lawyer or agent as soon as possible. If tenants in a building want to get together and appoint a spokesperson, this should be organized promptly.

A request to adjourn the hearing to a later date may not be granted and therefore, it is important that you and/or your representative are ready to proceed on the day of the hearing.

**Tenants:** You should review the information your landlord filed with the application before the hearing date.

- o You can view the application file at the regional office listed at the end of this notice, or in some cases, arrangements can be made to view the file at another Board office.
- o The Board may have a compact disc containing a scanned version of the supporting documents filed by the landlord. You may contact the Board to ask about obtaining a copy of the disc for a fee.
- o In most cases, the landlord must also make the supporting documents available to the tenants for viewing. See *Supporting Documents for Tenants to View* form attached to this notice for further information.

**Landlord:** You may have to make the information supporting your application available to your tenants for viewing. See *Supporting Documents for Tenants to View* form attached to this notice for further information.

**What you should bring to the hearing:**

Landlords should be prepared at the hearing to present the case they have filed.

Tenants should be ready to present any evidence they have to support their case. Make sure to bring:

- o three copies of any evidence you wish to use, and
- o any people you want to use as witnesses.

**For more information:**

If you have any questions you may contact the Landlord and Tenant Board at 416-645-8080, or toll free at 1-888-332-3234. You may also visit our website at [www.ltb.gov.on.ca](http://www.ltb.gov.on.ca). You can view the application at the regional office listed below, or in some cases, arrangements can be made to view the file at another office of the Board.

**Regional Office:** Southern-RO, 119 King Street West, Hamilton, ON  
L8P 4Y7, 6th Floor  
**Fax:** (905) 521-7870 or 1-866-455-5255  
**Date Issued:** Friday, May 02, 2014

File Number: **SOL-40297-13**

### ***Schedule of Parties***

#### **Respondents**

VIVIAN ACHEAMPONG  
FAROOG AL HUSAINI  
ZAINAB MOHAMED AMIR  
NAGY ANDREW  
ANGELA ANIOL  
BRENT BARNHARDT  
JESSE BENNICI  
BARBARA BERNICKY  
LD BLAKE  
COLLIN BRANSTON  
MARK BROWN  
ROSEMARY BROWN  
JESSIE BURKE  
MARGARET CAIN  
JOSEPH CAPASSO  
DEBORAH COOK  
NANCY COURCHESNE  
HOLLY CRUISE  
STEVEN CUMMING  
CAROL DIEUZ  
ADAM DUGUAY  
MAURICE DZUIBANOWSKI  
MARIA EDELMAN  
JANICE FEATHER  
MARY JO FITZGIBBON  
DONNA FORTIN  
ALEX FREDERICK  
SUSAN GALLOWAY  
KERRY GORING  
FEVEN HABTOM  
BENNY HERSTEK  
JOANNE HOUDE  
DEBORAH HURSON  
STEVEN JASINSKI  
LYNDA JOHNSTON  
ANNA KARLOVA  
STEPHANIE KRAVCIK  
STANFORD LAI  
SIMONE LARSEN  
MENGXUE LI  
JANET MACDONALD

SMELSER ADAM  
MOHAMMED AL SHAIBANI  
FAIZA ANAM  
VIRGINIA ANGLE  
JESSICA ARMSTRONG  
ANDREW BAUMBARTNER  
JACOLYNNE BERING  
TREVOR BLACKMORE  
JAMES BOESE  
NANCY BRODGEN  
MICHELE BROWN  
TABITHA BROWN  
ASHLEY BURNS  
BARBARA CAMPBELL  
JORDAN MICHAEL CECCHI  
AMANDA CORBI  
JANE COUSINS  
WILLIAM CSUKA  
NICHOLAS DERTINGER  
CAROLYN ANN DRESSSEL  
CATHIE DUVAL  
CLAYTON EATON  
ALHUSSEIN ELZOWAWI  
KARLI FISHER  
W M MACRIS FLEMING  
ASHTONNE GORING FRANCIS  
SHAWN FREEMAN  
MAYELAYNE GARCIA  
CHARLES GREEN  
BERTRAND HEBERT  
DAVIS HIGNETT  
NIAGARA REGIONAL HOUSING  
KENNETH JACQUES  
BRANDEN JOHNSON  
JUSTYN JONES  
VLADIMIR KOSTROMA  
DARIA KRIKUN  
TIM LANCASTER  
STEVEN LEE  
LIANG LIN  
DON MADOLE

LAURIE MAHLE  
LINDA MASON  
SEAN MCFADDEN  
RANDY MCNABB  
JAVID MIAN  
ERIN MULVIHILL  
MAXINE MURPHY  
LAURA NESBITT  
MARY PENNER  
KATHY LYNN PETTIPAS  
ROB PRENTICE  
RONNIE REDDICK  
DARREN REID  
SYLVIA RYAN  
MYSLIM SALIU  
ROANNE SEGUIN  
GERALD SPECIAINY  
JOHN SWEENEY  
DIANE THOMPSON  
DIANE TRIPP  
STALL VILBRUN  
ROBIN WEISS  
KEVIN WOLBERT  
ZHAN YI  
FANG YU

JOCELYN MALANGIS  
KENDRA MCCOURT  
DIANNE MCCLAUGHLIN  
KENNETH MELLEN  
JAMES MOATE  
KARI MURPHY  
MERCEDES NEIRA  
RUBY NICKERSON  
DEBORAH PETCH  
ERIKKI PIETIKAINEN  
FATIMA ALYSSA RAGOONATH  
DANIELLE REID  
DEBBIE ROMEIKO  
MOHAMED ABUEL SAAD  
MARLENE SAWATSKY  
MARTIN SMITH  
PETER STAVROU  
BETTY TAYLOR  
THEODORE THOMPSON  
JULIE VANDERVAART  
NIKI VON BORMANN  
STELLA WITTIW  
BEXHET XHEMALI  
RAMONA YOUNG  
HAI ZHU

## Supporting Documents for Tenants to View

Address: 165 ONTARIO STREET, ST. CATHARINES, Ont File Number: SEL-46297-13  
L2R 5K4

The landlord must file all their supporting documents for their Application for a Rent Increase above the Guideline when they file their application with the Board. Tenants can contact the Board if they want to view these documents. If the landlord provided a compact disc of the documents, tenants can purchase a copy of the disc from the Board.

If the application includes a claim for capital expenditures, then the landlord must make a copy of the supporting documents available to the tenants. See below for more information.

**Landlord:** Complete either part A or B below and attach this form to the Notice of Hearing.

The information below is from the Landlord to the Tenant:

**A. Application does not Include Capital Expenditures:**

- o The application does not include a claim for capital expenditures. Supporting documents for the application have been filed with the Board. Ask the Board how you can view these documents.

**B. Application Includes Capital Expenditures:**

- ☒ I have an office in or close to the residential complex where you can view a copy of the supporting documents that have been filed with my application to the Board during the hours from 9:00am to 5:00pm. The location of the office is: at 165 Ontario St. St. Catharines, Ont (Ground Floor)
- o You can request a copy of the compact disc containing the supporting documents from me. If you do, you must pay me \$ 5.00 for the disc. (Note: The charge cannot exceed \$5.38.) If paying by cheque, make the cheque payable to Starlight Investments
- o I am not required to provide a compact disc of the supporting documents because the residential complex contains 6 or fewer residential units, is located in a rural or remote area and I cannot reasonably provide the disc. However, I can provide you with a photocopy of the supporting documents for a charge of \$ \_\_\_\_\_. (Note: The charge cannot exceed \$5.38.) If paying by cheque, make the cheque payable to \_\_\_\_\_.

**Note:** To make your request for a copy of the disc or photocopies of the documents or to discuss alternate ways of obtaining the information, contact Elizabeth Dias  
at 647-725-0727 [telephone number] [name]

**Application for a Rent Increase Above the Guideline Order**  
**Form L5**

Read the instructions carefully before completing the Form. Print or Type in Uppercase.

**Part 1: General Information****Landlord's Name and Address** (If there is more than 1 landlord, complete a Schedule of Parties form and file it with this application)First Name ☐ Male ☐ Female ☒ Company

RED STARLIGHT LP

Last Name

Street Address

401 THE WEST MALL

Unit/Apt./Suite

1100

Municipality (city, town, etc.)

TORONTO

Province Postal Code

ON M9C 5J5

Day Phone Number

(416)

234

8444

Evening Phone Number

( )

Fax Number

(416)

234

8445

E-mail Address

**Rental Unit Covered by this Application**

Street Number

165

Street Name

ONTARIO

Street Type (e.g. Street, Avenue, Road)

STREET

Direction (e.g. East)

Unit/Apt./Suite

SEE

LIST

Municipality (city, town, etc.)

ST CATHARINES

Province

ON

Postal Code

L2R

SK4

What is the total number of rental units in the complex?

157

How many rental units are covered by the application?

131

**Tenants' Names and Addresses**

Complete a Schedule of Parties form with the names and addresses, including the unit numbers, of the tenants in the units covered by the application and file it with this application.

**Rent Information**

What is the date the first intended rent increase for the units covered by this application will take effect?

01 / 12 / 2013  
dd mm yyyy**Previous Order**

If a previous rent increase above the guideline order was issued, fill in the file number.

SOL - 26605

The Landlord and Tenant Board collects the personal information requested on this form under section 185 of the *Residential Tenancies Act, 2006*. This information will be used to determine applications under this Act. After an application is filed, all information may become available to the public. Any questions about this collection may be directed to a Customer Service Representative at 416-645-8080 or toll-free at 1-888-332-3234.

SOL - 40297-13

**Part 2: Reasons for Your Application**

I am applying for a rent increase above the guideline because:

- ☐ 1. The municipal taxes and charges for the complex increased by an "extraordinary" amount.
- ☐ 2. The utility costs for the complex increased by an "extraordinary" amount.
- ☐ 3. Operating costs for security services for the complex have been experienced for the first time or have increased.
- ☒ 4. Capital expenditure work was done.

**Part 3: Signature**

Landlord's/Agent's Signature

☐ Landlord☒ Agent

Date

20 / 08 / 2013  
dd mm yyyy

If you are an agent or an officer of a corporation, you must provide the following information:

First Name

P A U L

Last Name

C A P P A

Company Name (if applicable)

C O H E N H I G H L E Y L L P

Mailing Address

2 5 5 Q U E E N S A V E N U E

Unit/Apt/Suite

1 1 0 0

Municipality (city, town, etc.)

L O N D O N

Province

O N

Postal Code

N 6 A 5 R 8

Phone Number

( 5 1 9 ) 6 7 2 9 3 3 0

Fax Number

( 5 1 9 ) 6 7 2 5 9 6 0

E-mail Address

**Important Information**

1. The landlord must file this application at least 90 days before the date the first intended rent increase covered by the application will take effect.
2. Along with the application, the landlord must file evidence of the costs claimed in the application and proof of payment of those costs. If the landlord is applying for a rent increase above the guideline because capital expenditure work was done, the landlord must also file a copy of the *Information about Rental Units in the Complex* form and a copy of the *Capital Expenditures: Additional Details* form for each capital expenditure item claimed in the application.

If the landlord is applying for a rent increase above the guideline because capital expenditure work was done, the landlord must also provide the Board with the following documents:

- two additional photocopies of the application,
- two additional photocopies of all of the supporting documents (including supporting documents related to increased operating costs, if claimed in the application),
- a compact disc that contains a scanned version of the supporting documents in portable document format (PDF).  
Note: The landlord does not have to provide a compact disc of the supporting documents if the residential complex has six or fewer rental units, and is located in a rural or remote area, and the landlord cannot reasonably provide the compact disc.

If the landlord does not file the required supporting documents at the time the application is made, a Member may refuse to allow the landlord to file these documents at a later date. This may result in the landlord being unable to prove their claim.

See the instructions for additional details about what must be filed.

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3. If the landlord is applying for a rent increase above the guideline because capital expenditure work was done, the landlord must make the supporting documents that accompany the application available to the tenants of the residential complex.
  - If the landlord has an office in or close to the residential complex, the landlord must allow the tenants to view a copy of the supporting documents during normal business hours.
  - If the landlord is required to provide the Board with a compact disc containing the supporting documents (see note 2), then the landlord must provide a copy of the compact disc to a tenant who requests it. The landlord cannot charge more than five dollars for providing a copy of the compact disc. Alternatively, if the landlord and tenant agree, the landlord can provide either of the following:
    - a photocopy of the supporting documents at a reasonable charge based on the landlord's out-of-pocket costs for making the copies, or
    - a copy of the supporting documents in PDF format, by e-mail, at no charge.
  - If the landlord does not have to provide the Board with a compact disc containing the supporting documents (see note 2), then the landlord must provide a photocopy of the supporting documents for a charge of not more than five dollars.
4. Once the landlord files this application with the Board, the Board will give the landlord a Notice of Hearing. The landlord must give the tenant(s) of the units affected by this application a copy of the application and the Notice of Hearing at least 30 days before the hearing.

Once the landlord has given the tenant(s) copies of the application and Notice of Hearing, the landlord must file a Certificate of Service with the Board showing how and when the landlord gave the documents to the tenant(s).
5. It is an offence under the *Residential Tenancies Act* to file false or misleading information with the Landlord and Tenant Board.
6. The Board has Rules of Practice that set out rules related to the application process, and Interpretation Guidelines that explain how the Board might decide specific issues that may arise in an application. You can purchase a copy of the Rules and Guidelines from your local Board office or view them online at [www.LTB.gov.on.ca](http://www.LTB.gov.on.ca).
7. For further information you may contact the Landlord and Tenant Board at 416-645-3080 or toll-free at 1-888-332-3234. Or, you may visit the Board's web site at [www.LTB.gov.on.ca](http://www.LTB.gov.on.ca).



**Schedule 2**  
**Details of Capital Expenditures****A. Description and Costs**

If you are applying for an increase above the guideline because you incurred capital expenditures, you must fill out this schedule completely. You must attach copies of the *Capital Expenditures: Additional Details* form and evidence of costs and payment for each expenditure you are applying for. See the instructions for further information. If you are applying for more than five capital expenditure items, complete additional copies of this schedule.

Item #	Description of Capital Expenditure	Date Completed (dd/mm/yyyy)	Useful Life	Labour/Material and Contract Costs	Landlord's Own Labour Hours X Rate = Total	Total Costs
1	Fire System Repair	27/07/2012	15 yrs	\$90,145.76		\$90,145.76
2	Roof Safety Anchor	22/08/2012	20 yrs	\$16,249.63		\$16,249.63
3	Building Exterior & Balcony Repair	9/05/2013	13 yrs	\$662,278.35		\$662,278.35
4	Common Area Painting	23/12/2012	10 yrs	\$32,063.75		\$32,063.75
5	Replace Exhaust Fans	7/5/2012	20 yrs	\$2,556.63		\$2,556.63

Attach additional sheets if necessary

- ☒ 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 Number	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 not covered by this application (list unit numbers)

Attach additional sheets if necessary

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**Schedule 2**  
**Details of Capital Expenditures****A. Description and Costs**

If you are applying for an increase above the guideline because you incurred capital expenditures, you must fill out this schedule completely. You must attach copies of the *Capital Expenditures: Additional Details* form and evidence of costs and payment for each expenditure you are applying for. See the instructions for further information. If you are applying for more than five capital expenditure items, complete additional copies of this schedule.

Item #	Description of Capital Expenditure	Date Completed (dd/mm/yyyy)	Useful Life	Labour/Material and Contract Costs	Landlord's Own Labour Hours X Rate = Total	Total Costs
6	Garage Entrance Repair	20/06/2012	20 yrs	\$12,725.63		\$12,725.63
7	Exterior Painting	15/04/2013	10 yrs	\$2,648.72		\$2,648.72
8	Drain Repair	20/06/2013	20 yrs	\$1,130.00		\$1,130.00
9	Building Signage	30/07/2012	15 yrs	\$6,633.14		\$6,633.14

Attach additional sheets if necessary

- ☒ 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 Number	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 not covered by this application (list unit numbers)

Attach additional sheets if necessary

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Schedule 2 (Cont'd)

C. Did you receive any money from an insurer, government grants or forgivable loans or other assistance, or proceeds from trade-in, salvage or resale for any capital expenditure items(s)? ☐ Yes ☒ No

If yes, list the item number, the source of the funds and the amount you received below.

Item Number	Source	Total Amount

Attach additional sheets if necessary

D. Do any of the capital expenditure items relate to non-residential portions of the complex or other residential complexes? ☐ Yes ☒ No

If yes, list the item and provide details of how you propose costs should be allocated below. See the instructions for further information.

Attach additional sheets if necessary

