



Order under Section 126
Residential Tenancies Act, 2006

In the matter of: 165 ONTARIO STREET, ST CATHARINES, ON, L2R5K4

Between: RED STARLIGHT LP Landlord

and

Refer to attached Schedule 2 Tenants

RED STARLIGHT LP (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 (refer to attached Schedule 1).

This application was heard in St. Catharines on September 18, 2014 and re-heard on September 17, 2015.

The following parties attended the hearing:

For the Landlord: Paul Cappa (the Landlord's Legal Representative) and John Lawson (the Landlord's Agent).

Tenants: Gerald Speciainy (GS), Jocelyn Malangis (JM), Marlene Sawatsky (MS), Kathy Lynn Pettipas (KLP), Sylvia Ryan (SR), Roanne Seguin (RS), Susan Galloway (SG), LD Blake (LDB), Lynda Johnston (LJ), Maria Edelman (ME), Maurice Dzuibanowski (MD).
Landlord's Witnesses: Tracy Brisco (TB) and Michael Leo Dorian (MLD).

It is determined that:

1. The above guideline increase applied for by the Landlord is for the following capital expenditures: fire system repair; roof safety anchors; building exterior & balcony repair; common area painting; replace exhaust fans; garage entrance repair; exterior painting; drain repair; and building signage.
2. The Landlord requested that the claim for the exhaust fans, drain repair; and building signage be withdrawn and this request was granted.
3. The first effective date for an increase the Landlord may take is December 1, 2013. The 18 month window in which repairs must be completed runs from March 2, 2012, through to September 2, 2013.
4. The Tenants dispute a number of the capital expenditures on the grounds that they

are not eligible capital expenditures or they are substantially cosmetic in nature.

5. The bulk of the evidence by the Landlord was given by Tracy Brisco (TB). TB was a senior project manager in charge of capital expenditures for the Landlord at the time that the repairs were completed. Evidence was also given by Michael Leo Dorian (MLD) who is a project manager with Enerplan, the company retained by the Landlord to consult on the balconies, exterior walls, and rail guards; which comprise the Landlord's claim for items numbered 3 & 7. These were the most contentious and expensive capital expenditure claimed.
6. On behalf of the Tenants I heard from L.D. Blake (LDB) who was the only Tenant to speak and give evidence. LDB was given agency authorization by each of the Tenants in attendance and by many more that did not attend the hearing.
7. A capital expenditure is defined in subsection 18(1) of O. Reg. 516/06:

"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;

8. The eligibility of a capital expenditure is addressed in subsection 126(7):

Subject to subsections (8) and (9), 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).

9. Exceptions are set out in subsections 126(8) and (9):

(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).

(9) A capital expenditure is not an eligible capital expenditure with respect to a rental unit for the purposes of this section if a new tenant entered into a new tenancy agreement in respect of the rental unit and the new tenancy agreement took effect after the capital expenditure was completed. 2006, c. 17, s. 126 (9).

10. With respect to the fire system repair, TB testified that the third level of the parking garage (P3) was closed to Tenants because of accessibility issues and the fire system was not working. The Landlord had decided not to repair the fire system in the P3 area as the entire level was closed. However, the Landlord was ordered by the city to ensure the fire system is operational and has done so.

11. The Tenants do not take issue with the necessity of the fire system repair; however, they submit that because the full costs were not incurred by the current Landlord the claim should be adjusted accordingly when calculating the above guideline increase. The Landlord only spent \$28,250.01 of the \$90,145.76 cost claimed as the first \$61,895.75 towards fire system repair was paid for by the previous Landlord prior to the current Landlord purchasing the property in June 2012.

12. *Interpretation* Guideline 14 of the *Landlord and Tenant Board Interpretation Guidelines* under the heading *Capital Expenditures that are "Incurred" and "Completed"* notes that "[s]ubsection 126(1), paragraph 2 of the RTA allows a Landlord to apply for a capital expenditure that they (and/or the previous landlord) have incurred."
13. Subparagraph 126(1)(2) of the Act reads "[e]ligible capital expenditures incurred respecting the residential complex or one or more of the rental units in it." It is silent on whether or not the expenditure must be incurred by the current Landlord, only that it is incurred with respect to the residential complex. I see no reason to depart from *Interpretation Guideline 14* which interprets the section as including capital expenditures incurred by the previous Landlord. I am, therefore, satisfied that the full amount of the fire safety repair is an eligible capital expenditure as it is incurred in accordance with *Interpretation Guideline 14* and it is necessary to protect the physical integrity of the residence complex and improves the security of the residential complex or part of it.
14. The Landlord also claimed painting the interior corridors as an extraordinary capital expenditure. The Landlord painted the corridor walls and the outside of the rental unit doors. I find that the painting of the hallways and the exterior of the rental unit doors is not an eligible capital expenditure because the painting of the corridors and doors is not a major repair or replacement nor is it related to a major repair or replacement. The evidence before me was that this was done to spruce up the corridors.
15. With respect to the garage entrance repairs, the evidence before me is that the concrete wall was chipped along the edges and the existing siding was not keeping the ramp dry. The Tenants' position with respect to the garage is that the job is not complete. The Landlord has replaced the siding of the garage entrance but the Tenants believe that the roof should have also been replaced as it has holes in it. The Landlord testified that the roof was not within the scope of the work. That the Tenants believe more work should have been done does not mean that the work was not completed; the scope of the work is at the Landlord's discretion. I find that the work done to the garage entrance siding was necessary to restore the physical integrity of part of the residential complex and I am satisfied that the garage entrance did require major repair because of the holes.
16. According to the landlord, the roof safety anchors are required by the Ministry of Labour in order to allow workers to "tie off" when engaging in suspended exterior work. The Tenants submitted that as the anchors were only required for the purpose of completing the balcony work, should their argument that the balcony repairs are ineligible succeed, the Landlord should also be prevented from including the cost of the safety anchors. I am not persuaded by the Tenants' argument that the roof safety anchors are inextricably linked to the balcony work. The anchors are safety devices that can be used for any suspended exterior work and are required to comply with safety standards. Accordingly, I find the

installation of the roof safety anchors is necessary to comply with s. 20(1) and is, therefore, an eligible capital expenditure.

17. With respect to the balcony repair, the Landlord relies on a July 24, 2008, property condition report by Pretium Engineering Limited. The report recommends the Landlord consider repairing spalled areas of the balconies and replacing the balcony guards for two reasons. One is to meet the dimensional requirements of the current building code, and the other is to ensure that the lower panel of the guards does not cover the balcony slab edges, which contributes to accelerated deterioration of the guard panel and balcony slab.
18. The Tenants' position with respect to this report is that its observations do not support a finding that the balconies require major repair as only 10% of the slabs had spalling and that the guards were described as being in fair condition. The Tenants position is that this work was not done for structural reasons but for cosmetic reasons, and that this was not necessary work.
19. The Tenants testified that some balcony repair work was completed in 2010 by the previous Landlord, and submitted that because there were balcony repairs in 2010, the 2008 report cannot be relied upon for the current work. The Tenants also submit that the guards were neither loose nor corroded, but were in good condition.
20. The engineering report contains the following *Discussion and Recommendations* with respect to the balconies:

The balcony decks were generally in fair to good condition. The cracks appear to be at the reinforcing steel. They appear to be thermally induced. The cracks are not a structural concern at this time. Repairs to the spalled areas should be completed. The cracks should be routed and sealed in the near future. If left as is, concrete deterioration will continue and extensive repairs will eventually be required. Consideration could be given to waterproofing the balcony slab subsequent to the concrete repairs.

The balcony guards are in fair structural condition. Repairs and refinishing the guards will be required in the near future. The guards do not meet the dimensional requirements of the current Building Code. Complete replacement of the guards is at the discretion of the Owner, but should be considered.

The lower panel on the guards covers the balcony slab edges. This will trap debris and moisture and lead to accelerated deterioration of the guard panel and balcony slab. Modifying or completely replacing the guards could be considered.

21. Although the engineering report finds the covering of the slab edge by the lower panel of the guards will lead to accelerated deterioration of the guard panel and balcony slab, it does not find that major repair or replacement is required. It notes, *“If left as is, concrete deterioration will continue and extensive repairs will eventually be required.”* The evidence before me is that some work was done in 2010. There was no subsequent engineering report with respect to the continued deterioration of the balconies. The only evidence before me in support of the Landlord’s position was that of MLD who testified that he witnessed significant concrete cracks and deterioration as well as corrosion of rebar and support posts. He also testified that the support posts of the railing were weakened and the balcony was chipped back 6 to 8 inches to the rebar to remove the posts and the balcony reformed and poured. Some of the balconies had the topside of the slab repaired as well. The number of balconies completed for this was not clarified. The replacement of the guards appears to have been the main impetus for the balcony work with the spalling of the topside of the slabs a secondary consideration. Indeed, MLD testified that his company recommended replacing the balcony guards because their dimensions did not meet the current building code and that it was therefore a good time to do slab work.
22. Given the lack of a subsequent engineering report, the evidence of MLD with respect to the reason for the recommendation, and the fact that there is no requirement that the balcony guards be retrofitted to meet a change in the Building Code, I find that this capital expenditure is not eligible. I am cognizant of the argument that the balcony repair was necessary to protect the physical integrity of the residential complex or parts of it by removing the guards and replacing them with ones that do not cover the balcony slab edge and thereby stop the accelerated deterioration of the slab. However, even if that were the case, the Landlord has not proven that the balconies or the guards required major repair or replacement. The 2008 engineering report does not support such a finding. The testimony of MLD does not support such a finding either as he identifies the dimensions of the guards as the reason for the recommendation that they be replaced. Accordingly, I am not satisfied that the balconies or the rail guards required major repair or replacement.
23. The Landlord also relies on the same engineering report for the exterior painting. The report identifies some issues with staining and mortar joint deterioration, and recommends repair of cracks and mortar joints. It also States that there is “an indication that water is penetrating the walls and that application of a water repellent or breathable coding could be considered;” however, it does not specifically recommend such application. The recommendation and was with the following statement that consideration “consideration should be given to refinishing the exposed slab edges and sheer walls. This is a cosmetic repair and is at the discretion of the owner.” The reference here to slab edges is to the concrete floor slabs rather than the balcony slabs.
24. The Tenants submitted numerous photos suggesting that the painting of the

building was done in accordance with the color scheme that is common among many buildings recently renovated by the Landlord and in sharp contrast to the previous look of the building. Given the engineering reports recommendation and the evidence submitted by the Tenants with respect to what they described as branding of the building, I find that the painting of the exterior of the building is substantially cosmetic in nature and therefore is an eligible capital expenditure pursuant to section 18(1)(D) of O. Reg. 516/06.

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 Landlord or the Tenants shall pay to the other any sum of money that is owed as a result of this order.



January 22, 2016

Date Issued

Petar Guzina

Member, Landlord and Tenant Board

Southern-RO

6th Floor, 119 King Street West

Hamilton, ON, L8P4Y7

Fax No: 905 - 521 - 7870

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

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 September 2, 2013. The landlord cannot add the ordered increase to the rents these tenants pay.

165 ONTARIO STREET, ST CATHARINES, ON, L2R5K4

115	414	709
116	416	711
117	417	712
118	418	714
119	420	715
120	502	716
201	503	717
205	504	718
207	506	719
208	507	801
210	508	802
211	509	803
212	510	804
214	511	806
215	512	807
216	514	809
217	516	810
218	517	811
219	519	814
220	520	815
302	601	816
303	602	817
304	603	818
305	604	819
306	605	820
307	606	901
308	607	902
309	608	903
311	609	904
312	610	905
314	611	906
315	612	907
317	615	908
320	616	909
401	617	910
402	618	911
403	619	912
404	620	914
405	701	915
406	702	916
407	703	918
409	705	919
410	707	920
412	708	

Schedule 2 - Tenants who are Affected by this Order: File Number: SOL-40297-13

ACHEAMPONG, VIVIAN
ADAM, SMELSER
AL HUSAINI, FAROOG
AL SHAIBANI, MOHAMMED
AMIR, ZAINAB MOHAMED
ANAM, FAIZA
ANDREW, NAGY
ANGLE, VIRGINIA
ANIOL, ANGELA
ARMSTRONG, JESSICA
BARNHARDT, BRENT
BAUMBARTNER, ANDREW
BENNICI, JESSE
BERING, JACOLYNNE
BERNICKY, BARBARA
BLACKMORE, TREVOR
BLAKE, LD
BOESE, JAMES
BRANSTON, COLLIN
BRODGEN, NANCY
BROWN, MARK
BROWN, MICHELE
BROWN, ROSEMARY
BROWN, TABITHA
BURKE, JESSIE
BURNS, ASHLEY
CAIN, MARGARET
CAMPBELL, BARBARA
CAPASSO, JOSEPH
CECCHI, JORDAN MICHAEL
COOK, DEBORAH
CORBI, AMANDA
COURCHESNE, NANCY
COUSINS, JANE
CRUISE, HOLLY
CSUKA, WILLIAM
CUMMING, STEVEN
DERTINGER, NICHOLAS
DIEUZ, CAROL
DRESSEL, CAROLYN ANN
DUGUAY, ADAM
DUVAL, CATHIE
DZUIBANOWSKI, MAURICE
EATON, CLAYTON
EDELMAN, MARIA
ELZOWAWI, ALHUSSEIN

FEATHER, JANICE
FISHER, KARLI
FITZGIBBON, MARY JO
FLEMING, W M MACRIS
FORTIN, DONNA
FRANCIS, ASHTONNE GORING
FREDERICK, ALEX
FREEMAN, SHAWN
GALLOWAY, SUSAN
GARCIA, MAYELAYNE
GORING, KERRY
GREEN, CHARLES
HABTOM, FEVEN
HEBERT, BERTRAND
HERSTEK, BENNY
HIGNETT, DAVIS
HOUDE, JOANNE
HOUSING, NIAGARA REGIONAL
HURSON, DEBORAH
JACQUES, KENNETH
JASINSKI, STEVEN
JOHNSON, BRANDEN
JOHNSTON, LYNDIA
JONES, JUSTYN
KARLOVA, ANNA
KOSTROMA, VLADIMIR
KRAVCIK, STEPHANIE
KRIKUN, DARIA
LAI, STANFORD
LANCASTER, TIM
LARSEN, SIMONE
LEE, STEVEN
LI, MENGXUE
LIN, LIANG
MACDONALD, JANET
MADOLE, DON
MAHLE, LAURIE
MALANGIS, JOCELYN
MASON, LINDA
MCCOURT, KENDRA
MCFADDEN, SEAN
MCLAUGHLIN, DIANNE
MCNABB, RANDY
MELLEN, KENNETH
MIAN, JAVID
MOATE, JAMES

Schedule 2 - Tenants who are Affected by this Order: File Number:SOL-40297-13

MULVIHILL, ERIN
MURPHY, KARI
MURPHY, MAXINE
NEIRA, MERCEDES
NESBITT, LAURA
NICKERSON, RUBY
PENNER, MARY
PETCH, DEBORAH
PETTIPAS, KATHY LYNN
PIETIKAINEN, ERIKKI
PRENTICE, ROB
RAGOONATH, FATIMA ALYSSA
REDDICK, RONNIE
REID, DANIELLE
REID, DARREN
ROMEIKO, DEBBIE
RYAN, SYLVIA
SAAD, MOHAMED ABUEL
SALIU, MYSLIM
SAWATSKY, MARLENE
SEGUIN, ROANNE
SMITH, MARTIN
SPECIAINY, GERALD
STAVROU, PETER
SWEENEY, JOHN
TAYLOR, BETTY
THOMPSON, DIANE
THOMPSON, THEODORE
TRIPP, DIANE
VANDERVAART, JULIE
VILBRUN, STALL
VON BORMANN, NIKI
WEISS, ROBIN
WITTIW, STELLA
WOLBERT, KEVIN
XHEMALI, BEXHET
YI, ZHAN
YOUNG, RAMONA
YU, FANG
ZHU, HAI

Schedule 3 - Ordered Rent Increase Above the Guideline**First Effective Date of Rent Increase in this Order is December 1, 2013**

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.

For the period December 1, 2013 to November 30, 2014

Unit	% inc for Cap. Exp.	Total Increase (excludes guideline)	Weighted Useful Life for Capital Exp. *	Total % for Cap. Exp.
115, 165 ONTARIO STREET, ST CATHARINES, ON, L2R5K4	0.00	0.00	0.00	0.00
116, 165 ONTARIO STREET, ST CATHARINES, ON, L2R5K4	0.00	0.00	0.00	0.00
117, 165 ONTARIO STREET, ST CATHARINES, ON, L2R5K4	0.74	0.74	16.00	0.74
118, 165 ONTARIO STREET, ST CATHARINES, ON, L2R5K4	0.00	0.00	0.00	0.00
119, 165 ONTARIO STREET, ST CATHARINES, ON, L2R5K4	0.74	0.74	16.00	0.74
120, 165 ONTARIO STREET, ST CATHARINES, ON, L2R5K4	0.74	0.74	16.00	0.74
201, 165 ONTARIO STREET, ST CATHARINES, ON, L2R5K4	0.74	0.74	16.00	0.74
205, 165 ONTARIO STREET, ST CATHARINES, ON, L2R5K4	0.74	0.74	16.00	0.74
207, 165 ONTARIO STREET, ST CATHARINES, ON, L2R5K4	0.00	0.00	0.00	0.00
208, 165 ONTARIO STREET, ST CATHARINES, ON, L2R5K4	0.74	0.74	16.00	0.74
210, 165 ONTARIO STREET, ST CATHARINES, ON, L2R5K4	0.00	0.00	0.00	0.00
211, 165 ONTARIO STREET, ST CATHARINES, ON, L2R5K4	0.00	0.00	0.00	0.00
212, 165 ONTARIO STREET, ST CATHARINES, ON, L2R5K4	0.00	0.00	0.00	0.00
214, 165 ONTARIO STREET, ST CATHARINES, ON, L2R5K4	0.74	0.74	16.00	0.74
215, 165 ONTARIO STREET, ST CATHARINES, ON, L2R5K4	0.74	0.74	16.00	0.74
216, 165 ONTARIO STREET, ST CATHARINES, ON, L2R5K4	0.74	0.74	16.00	0.74
217, 165 ONTARIO STREET, ST CATHARINES, ON, L2R5K4	0.74	0.74	16.00	0.74
218, 165 ONTARIO STREET, ST CATHARINES, ON, L2R5K4	0.00	0.00	0.00	0.00
219, 165 ONTARIO STREET, ST CATHARINES, ON, L2R5K4	0.00	0.00	0.00	0.00
220, 165 ONTARIO STREET, ST CATHARINES, ON, L2R5K4	0.74	0.74	16.00	0.74
302, 165 ONTARIO STREET, ST CATHARINES, ON, L2R5K4	0.74	0.74	16.00	0.74
303, 165 ONTARIO STREET, ST CATHARINES, ON, L2R5K4	0.00	0.00	0.00	0.00
304, 165 ONTARIO STREET, ST CATHARINES, ON, L2R5K4	0.74	0.74	16.00	0.74
305, 165 ONTARIO STREET, ST CATHARINES, ON, L2R5K4	0.00	0.00	0.00	0.00
306, 165 ONTARIO STREET, ST CATHARINES, ON, L2R5K4	0.00	0.00	0.00	0.00
307, 165 ONTARIO STREET, ST CATHARINES, ON, L2R5K4	0.09	0.09	20.00	0.09
308, 165 ONTARIO STREET, ST CATHARINES, ON, L2R5K4	0.74	0.74	16.00	0.74
309, 165 ONTARIO STREET, ST CATHARINES, ON, L2R5K4	0.74	0.74	16.00	0.74
311, 165 ONTARIO STREET, ST CATHARINES, ON, L2R5K4	0.74	0.74	16.00	0.74
312, 165 ONTARIO STREET, ST CATHARINES, ON, L2R5K4	0.00	0.00	0.00	0.00
314, 165 ONTARIO STREET, ST CATHARINES, ON, L2R5K4	0.09	0.09	20.00	0.09
315, 165 ONTARIO STREET, ST CATHARINES, ON, L2R5K4	0.00	0.00	0.00	0.00
317, 165 ONTARIO STREET, ST CATHARINES, ON, L2R5K4	0.00	0.00	0.00	0.00
320, 165 ONTARIO STREET, ST CATHARINES, ON, L2R5K4	0.00	0.00	0.00	0.00
401, 165 ONTARIO STREET, ST CATHARINES, ON, L2R5K4	0.74	0.74	16.00	0.74
402, 165 ONTARIO STREET, ST CATHARINES, ON, L2R5K4	0.74	0.74	16.00	0.74

* 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 2013 is 2.5%. On or before August 31st of each year, the government will announce the guideline for the following year.

Schedule 3 - Ordered Rent Increase Above the Guideline**First Effective Date of Rent Increase in this Order is December 1, 2013**

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.

For the period December 1, 2013 to November 30, 2014

Unit	% inc for Cap. Exp.	Total Increase (excludes guideline)	Weighted Useful Life for Capital Exp. *	Total % for Cap. Exp.
403, 165 ONTARIO STREET, ST CATHARINES, ON, L2R5K4	0.00	0.00	0.00	0.00
404, 165 ONTARIO STREET, ST CATHARINES, ON, L2R5K4	0.00	0.00	0.00	0.00
405, 165 ONTARIO STREET, ST CATHARINES, ON, L2R5K4	0.74	0.74	16.00	0.74
406, 165 ONTARIO STREET, ST CATHARINES, ON, L2R5K4	0.00	0.00	0.00	0.00
407, 165 ONTARIO STREET, ST CATHARINES, ON, L2R5K4	0.00	0.00	0.00	0.00
409, 165 ONTARIO STREET, ST CATHARINES, ON, L2R5K4	0.74	0.74	16.00	0.74
410, 165 ONTARIO STREET, ST CATHARINES, ON, L2R5K4	0.74	0.74	16.00	0.74
412, 165 ONTARIO STREET, ST CATHARINES, ON, L2R5K4	0.74	0.74	16.00	0.74
414, 165 ONTARIO STREET, ST CATHARINES, ON, L2R5K4	0.74	0.74	16.00	0.74
416, 165 ONTARIO STREET, ST CATHARINES, ON, L2R5K4	0.74	0.74	16.00	0.74
417, 165 ONTARIO STREET, ST CATHARINES, ON, L2R5K4	0.74	0.74	16.00	0.74
418, 165 ONTARIO STREET, ST CATHARINES, ON, L2R5K4	0.74	0.74	16.00	0.74
420, 165 ONTARIO STREET, ST CATHARINES, ON, L2R5K4	0.74	0.74	16.00	0.74
502, 165 ONTARIO STREET, ST CATHARINES, ON, L2R5K4	0.74	0.74	16.00	0.74
503, 165 ONTARIO STREET, ST CATHARINES, ON, L2R5K4	0.74	0.74	16.00	0.74
504, 165 ONTARIO STREET, ST CATHARINES, ON, L2R5K4	0.74	0.74	16.00	0.74
506, 165 ONTARIO STREET, ST CATHARINES, ON, L2R5K4	0.00	0.00	0.00	0.00
507, 165 ONTARIO STREET, ST CATHARINES, ON, L2R5K4	0.74	0.74	16.00	0.74
508, 165 ONTARIO STREET, ST CATHARINES, ON, L2R5K4	0.00	0.00	0.00	0.00
509, 165 ONTARIO STREET, ST CATHARINES, ON, L2R5K4	0.74	0.74	16.00	0.74
510, 165 ONTARIO STREET, ST CATHARINES, ON, L2R5K4	0.00	0.00	0.00	0.00
511, 165 ONTARIO STREET, ST CATHARINES, ON, L2R5K4	0.00	0.00	0.00	0.00
512, 165 ONTARIO STREET, ST CATHARINES, ON, L2R5K4	0.74	0.74	16.00	0.74
514, 165 ONTARIO STREET, ST CATHARINES, ON, L2R5K4	0.74	0.74	16.00	0.74
516, 165 ONTARIO STREET, ST CATHARINES, ON, L2R5K4	0.74	0.74	16.00	0.74
517, 165 ONTARIO STREET, ST CATHARINES, ON, L2R5K4	0.74	0.74	16.00	0.74
519, 165 ONTARIO STREET, ST CATHARINES, ON, L2R5K4	0.00	0.00	0.00	0.00
520, 165 ONTARIO STREET, ST CATHARINES, ON, L2R5K4	0.74	0.74	16.00	0.74
601, 165 ONTARIO STREET, ST CATHARINES, ON, L2R5K4	0.74	0.74	16.00	0.74
602, 165 ONTARIO STREET, ST CATHARINES, ON, L2R5K4	0.74	0.74	16.00	0.74
603, 165 ONTARIO STREET, ST CATHARINES, ON, L2R5K4	0.00	0.00	0.00	0.00
604, 165 ONTARIO STREET, ST CATHARINES, ON, L2R5K4	0.00	0.00	0.00	0.00
605, 165 ONTARIO STREET, ST CATHARINES, ON, L2R5K4	0.00	0.00	0.00	0.00
606, 165 ONTARIO STREET, ST CATHARINES, ON, L2R5K4	0.00	0.00	0.00	0.00
607, 165 ONTARIO STREET, ST CATHARINES, ON, L2R5K4	0.00	0.00	0.00	0.00
608, 165 ONTARIO STREET, ST CATHARINES, ON, L2R5K4	0.74	0.74	16.00	0.74

* 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 2013 is 2.5%. On or before August 31st of each year, the government will announce the guideline for the following year.

Schedule 3 - Ordered Rent Increase Above the Guideline**First Effective Date of Rent Increase in this Order is December 1, 2013**

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.

For the period December 1, 2013 to November 30, 2014

Unit	% inc for Cap. Exp.	Total Increase (excludes guideline)	Weighted Useful Life for Capital Exp. *	Total % for Cap. Exp.
609, 165 ONTARIO STREET, ST CATHARINES, ON, L2R5K4	0.74	0.74	16.00	0.74
610, 165 ONTARIO STREET, ST CATHARINES, ON, L2R5K4	0.00	0.00	0.00	0.00
611, 165 ONTARIO STREET, ST CATHARINES, ON, L2R5K4	0.74	0.74	16.00	0.74
612, 165 ONTARIO STREET, ST CATHARINES, ON, L2R5K4	0.74	0.74	16.00	0.74
615, 165 ONTARIO STREET, ST CATHARINES, ON, L2R5K4	0.74	0.74	16.00	0.74
616, 165 ONTARIO STREET, ST CATHARINES, ON, L2R5K4	0.74	0.74	16.00	0.74
617, 165 ONTARIO STREET, ST CATHARINES, ON, L2R5K4	0.74	0.74	16.00	0.74
618, 165 ONTARIO STREET, ST CATHARINES, ON, L2R5K4	0.74	0.74	16.00	0.74
619, 165 ONTARIO STREET, ST CATHARINES, ON, L2R5K4	0.74	0.74	16.00	0.74
620, 165 ONTARIO STREET, ST CATHARINES, ON, L2R5K4	0.74	0.74	16.00	0.74
701, 165 ONTARIO STREET, ST CATHARINES, ON, L2R5K4	0.00	0.00	0.00	0.00
702, 165 ONTARIO STREET, ST CATHARINES, ON, L2R5K4	0.00	0.00	0.00	0.00
703, 165 ONTARIO STREET, ST CATHARINES, ON, L2R5K4	0.74	0.74	16.00	0.74
705, 165 ONTARIO STREET, ST CATHARINES, ON, L2R5K4	0.74	0.74	16.00	0.74
707, 165 ONTARIO STREET, ST CATHARINES, ON, L2R5K4	0.74	0.74	16.00	0.74
708, 165 ONTARIO STREET, ST CATHARINES, ON, L2R5K4	0.00	0.00	0.00	0.00
709, 165 ONTARIO STREET, ST CATHARINES, ON, L2R5K4	0.74	0.74	16.00	0.74
711, 165 ONTARIO STREET, ST CATHARINES, ON, L2R5K4	0.74	0.74	16.00	0.74
712, 165 ONTARIO STREET, ST CATHARINES, ON, L2R5K4	0.00	0.00	0.00	0.00
714, 165 ONTARIO STREET, ST CATHARINES, ON, L2R5K4	0.00	0.00	0.00	0.00
715, 165 ONTARIO STREET, ST CATHARINES, ON, L2R5K4	0.74	0.74	16.00	0.74
716, 165 ONTARIO STREET, ST CATHARINES, ON, L2R5K4	0.74	0.74	16.00	0.74
717, 165 ONTARIO STREET, ST CATHARINES, ON, L2R5K4	0.00	0.00	0.00	0.00
718, 165 ONTARIO STREET, ST CATHARINES, ON, L2R5K4	0.74	0.74	16.00	0.74
719, 165 ONTARIO STREET, ST CATHARINES, ON, L2R5K4	0.00	0.00	0.00	0.00
801, 165 ONTARIO STREET, ST CATHARINES, ON, L2R5K4	0.74	0.74	16.00	0.74
802, 165 ONTARIO STREET, ST CATHARINES, ON, L2R5K4	0.74	0.74	16.00	0.74
803, 165 ONTARIO STREET, ST CATHARINES, ON, L2R5K4	0.74	0.74	16.00	0.74
804, 165 ONTARIO STREET, ST CATHARINES, ON, L2R5K4	0.00	0.00	0.00	0.00
806, 165 ONTARIO STREET, ST CATHARINES, ON, L2R5K4	0.00	0.00	0.00	0.00
807, 165 ONTARIO STREET, ST CATHARINES, ON, L2R5K4	0.74	0.74	16.00	0.74
809, 165 ONTARIO STREET, ST CATHARINES, ON, L2R5K4	0.74	0.74	16.00	0.74
810, 165 ONTARIO STREET, ST CATHARINES, ON, L2R5K4	0.66	0.66	16.00	0.66
811, 165 ONTARIO STREET, ST CATHARINES, ON, L2R5K4	0.74	0.74	16.00	0.74
814, 165 ONTARIO STREET, ST CATHARINES, ON, L2R5K4	0.74	0.74	16.00	0.74
815, 165 ONTARIO STREET, ST CATHARINES, ON, L2R5K4	0.74	0.74	16.00	0.74

* 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 2013 is 2.5%. On or before August 31st of each year, the government will announce the guideline for the following year.

Schedule 3 - Ordered Rent Increase Above the Guideline**First Effective Date of Rent Increase in this Order is December 1, 2013**

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.

For the period December 1, 2013 to November 30, 2014

Unit	% inc for Cap. Exp.		Total Increase (excludes guideline)	Weighted Useful Life for Capital Exp. *	Total % for Cap. Exp.
816, 165 ONTARIO STREET, ST CATHARINES, ON, L2R5K4	0.00		0.00	0.00	0.00
817, 165 ONTARIO STREET, ST CATHARINES, ON, L2R5K4	0.00		0.00	0.00	0.00
818, 165 ONTARIO STREET, ST CATHARINES, ON, L2R5K4	0.74		0.74	16.00	0.74
819, 165 ONTARIO STREET, ST CATHARINES, ON, L2R5K4	0.74		0.74	16.00	0.74
820, 165 ONTARIO STREET, ST CATHARINES, ON, L2R5K4	0.74		0.74	16.00	0.74
901, 165 ONTARIO STREET, ST CATHARINES, ON, L2R5K4	0.00		0.00	0.00	0.00
902, 165 ONTARIO STREET, ST CATHARINES, ON, L2R5K4	0.00		0.00	0.00	0.00
903, 165 ONTARIO STREET, ST CATHARINES, ON, L2R5K4	0.74		0.74	16.00	0.74
904, 165 ONTARIO STREET, ST CATHARINES, ON, L2R5K4	0.74		0.74	16.00	0.74
905, 165 ONTARIO STREET, ST CATHARINES, ON, L2R5K4	0.00		0.00	0.00	0.00
906, 165 ONTARIO STREET, ST CATHARINES, ON, L2R5K4	0.00		0.00	0.00	0.00
907, 165 ONTARIO STREET, ST CATHARINES, ON, L2R5K4	0.00		0.00	0.00	0.00
908, 165 ONTARIO STREET, ST CATHARINES, ON, L2R5K4	0.74		0.74	16.00	0.74
909, 165 ONTARIO STREET, ST CATHARINES, ON, L2R5K4	0.74		0.74	16.00	0.74
910, 165 ONTARIO STREET, ST CATHARINES, ON, L2R5K4	0.00		0.00	0.00	0.00
911, 165 ONTARIO STREET, ST CATHARINES, ON, L2R5K4	0.00		0.00	0.00	0.00
912, 165 ONTARIO STREET, ST CATHARINES, ON, L2R5K4	0.00		0.00	0.00	0.00
914, 165 ONTARIO STREET, ST CATHARINES, ON, L2R5K4	0.74		0.74	16.00	0.74
915, 165 ONTARIO STREET, ST CATHARINES, ON, L2R5K4	0.00		0.00	0.00	0.00
916, 165 ONTARIO STREET, ST CATHARINES, ON, L2R5K4	0.74		0.74	16.00	0.74
918, 165 ONTARIO STREET, ST CATHARINES, ON, L2R5K4	0.74		0.74	16.00	0.74
919, 165 ONTARIO STREET, ST CATHARINES, ON, L2R5K4	0.74		0.74	16.00	0.74
920, 165 ONTARIO STREET, ST CATHARINES, ON, L2R5K4	0.74		0.74	16.00	0.74

* 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 2013 is 2.5%. On or before August 31st of each year, the government will announce the guideline for the following year.

Schedule 4 - Rent Reduction related to Capital Expenditures

A. Date of Rent Reduction

If the Tenant's rent is increased based on capital expenditures during the period 2013 then:

The date of the rent reduction will be the day before:

- the date of the Tenant's first rent increase under this order, plus
- the number of years for the weighted useful life for capital expenditures for the unit (set out in Schedule 3).

Example:

If the Tenant's rent was increased on June 1, 2007 and the weighted useful life for capital expenditures is 10 years, then the rent will be reduced on May 31, 2017.

If the Tenant's rent was *not* increased based on capital expenditures during the period 2013 but was increased during the later periods set out in the order then:

The date of the rent reduction will be the day before:

- the First Effective Date of Rent Increase in this order, plus
- the number of years for the weighted useful life for capital expenditures for the unit (set out in Schedule 3).

Example:

If the first effective date of increase in this order is April 1, 2007 and the weighted useful life for capital expenditures is 12 years, then the rent will be reduced on March 31, 2019.

B. Amount of the Rent Reduction

If the Tenant's rent is increased by the total percentage increase set out in this order then:

The rent must be reduced by the total percentage increase set out in this order for capital expenditures.

If the Tenant's rent is *not* increased by the total percentage increase set out in this order then:

The rent must be reduced by an amount determined in accordance with the prescribed rules which may be equal to or less than the total percentage increase set out in this order for capital expenditures.