



Order under Section 126  
Residential Tenancies Act, 2006

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

**Between:** NORTHVIEW APARTMENT REIT Landlord

**and**

Refer to attached Schedule 2 Tenants

NORTHVIEW APARTMENT REIT (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 June 14, 2018.

The following parties attended the hearing: the Landlord, the Landlord's Representative Paul Cappa, and several Tenants.

**At the hearing, the parties agreed:**

1. The permitted rent increase above the guideline with respect to this application is 1.25%.
2. The First Effective Date of the increase is May 1, 2016.
3. The weighted useful life for the capital expenditures is 15 years.
4. The Landlord or the Tenants shall pay to the other any sum of money that is owed as a result of this order within 90 days of the date of this order.

**On consent of the parties, 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 within 90 days of the date of the order.

4. 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.



July 10, 2018

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 February 1, 2016. The landlord cannot add the ordered increase to the rents these tenants pay.

## 165 ONTARIO ST, ST CATHARINES, ON, L2R5K4

114	305	420	603	705	817
201	309	502	604	708	819
208	311	503	607	710	820
209	316	504	609	711	901
210	317	507	610	716	909
212	405	509	611	719	910
214	408	510	618	801	911
216	410	517	619	806	914
217	417	520	620	810	916
220	418	601	701	811	917
302	419	602	702	815	919

**Schedule 2 - Tenants who are Affected by this Order: File Number: SOL-67472-16**

Alexander, Samantha  
Anderson, Laura  
Andrew, Nagy  
Binu, Sadanandan  
Blake, LD  
Branston, Collin  
Brodgen, Nancy  
Brown, Omar  
Brown, Rosemary  
Cain, Andrea  
Chatwin, Ciaran  
Chordash, Teresa  
Cumming, Steven  
Davies, Catherine  
Dieuz, , Carol  
Dressel, Carolyn Ann  
Duguay, Adam  
Dzuibanowski, Maurice  
Edelman, Maria  
Galloway, Susan  
Green-McMullen, Emily  
Houde, Joanne  
Housing, Niagara  
Islam, Razibul  
Jackson, Don  
Jasinski, Steven  
Jo, Fitzgibbon, Mary  
Johnston, Lynda  
Karlova, Anna  
King, Brian  
Krog, Kristian  
Lane, Kayla  
Larsen, Simone  
Lewis, Anne

Li, Meng  
Li, Yang  
Losbaw, Kayte  
Mabeka, Bombale  
Malangis, Jocelyn  
Martinez, Constantino  
McCourt, Kendra  
McFadden, Sean  
Miller, William  
Niagara Housing  
Nicholls, Angella  
Page, Trina  
Penner, Mary  
Petch, Deborah  
Pettipas, Kathy Lynn  
Pirritte, Douglas  
Ragoonath, Fatima  
Reddick, Ronnie  
Ryan, Sylvia  
Saliu, Myslim  
Sanford, Elizabeth  
Sawatsky, Marlene  
Seguin, Roanne  
Smith, Wesley  
Specialny, Gerald  
Stavrou, Peter  
Thompson, Dianne  
Vandervaart, Julie  
Von, Bormann, Niki  
Waddick, William  
Wilson, Richard  
Woon, Park, Yong  
Xhemali, Bexhet

**Schedule 3 - Ordered Rent Increase Above the Guideline****First Effective Date of Rent Increase in this Order is May 1, 2016**

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 May 1, 2016 to April 30, 2017

Unit	% inc for Cap. Exp.	Total Increase (excludes guideline)	Weighted Useful Life for Capital Exp. *	Total % for Cap. Exp.
114, 165 ONTARIO ST, ST CATHARINES, ON, L2R5K4	1.25	1.25	15.00	1.25
201, 165 ONTARIO ST, ST CATHARINES, ON, L2R5K4	1.25	1.25	15.00	1.25
208, 165 ONTARIO ST, ST CATHARINES, ON, L2R5K4	1.25	1.25	15.00	1.25
209, 165 ONTARIO ST, ST CATHARINES, ON, L2R5K4	1.25	1.25	15.00	1.25
210, 165 ONTARIO ST, ST CATHARINES, ON, L2R5K4	1.25	1.25	15.00	1.25
212, 165 ONTARIO ST, ST CATHARINES, ON, L2R5K4	1.25	1.25	15.00	1.25
214, 165 ONTARIO ST, ST CATHARINES, ON, L2R5K4	1.25	1.25	15.00	1.25
216, 165 ONTARIO ST, ST CATHARINES, ON, L2R5K4	1.25	1.25	15.00	1.25
217, 165 ONTARIO ST, ST CATHARINES, ON, L2R5K4	1.25	1.25	15.00	1.25
220, 165 ONTARIO ST, ST CATHARINES, ON, L2R5K4	1.25	1.25	15.00	1.25
302, 165 ONTARIO ST, ST CATHARINES, ON, L2R5K4	1.25	1.25	15.00	1.25
305, 165 ONTARIO ST, ST CATHARINES, ON, L2R5K4	1.25	1.25	15.00	1.25
309, 165 ONTARIO ST, ST CATHARINES, ON, L2R5K4	1.25	1.25	15.00	1.25
311, 165 ONTARIO ST, ST CATHARINES, ON, L2R5K4	1.25	1.25	15.00	1.25
316, 165 ONTARIO ST, ST CATHARINES, ON, L2R5K4	1.25	1.25	15.00	1.25
317, 165 ONTARIO ST, ST CATHARINES, ON, L2R5K4	1.25	1.25	15.00	1.25
405, 165 ONTARIO ST, ST CATHARINES, ON, L2R5K4	1.25	1.25	15.00	1.25
408, 165 ONTARIO ST, ST CATHARINES, ON, L2R5K4	1.25	1.25	15.00	1.25
410, 165 ONTARIO ST, ST CATHARINES, ON, L2R5K4	1.25	1.25	15.00	1.25
417, 165 ONTARIO ST, ST CATHARINES, ON, L2R5K4	1.25	1.25	15.00	1.25
418, 165 ONTARIO ST, ST CATHARINES, ON, L2R5K4	1.25	1.25	15.00	1.25
419, 165 ONTARIO ST, ST CATHARINES, ON, L2R5K4	1.25	1.25	15.00	1.25
420, 165 ONTARIO ST, ST CATHARINES, ON, L2R5K4	1.25	1.25	15.00	1.25
502, 165 ONTARIO ST, ST CATHARINES, ON, L2R5K4	1.25	1.25	15.00	1.25
503, 165 ONTARIO ST, ST CATHARINES, ON, L2R5K4	1.25	1.25	15.00	1.25
504, 165 ONTARIO ST, ST CATHARINES, ON, L2R5K4	1.25	1.25	15.00	1.25
507, 165 ONTARIO ST, ST CATHARINES, ON, L2R5K4	1.25	1.25	15.00	1.25
509, 165 ONTARIO ST, ST CATHARINES, ON, L2R5K4	1.25	1.25	15.00	1.25
510, 165 ONTARIO ST, ST CATHARINES, ON, L2R5K4	1.25	1.25	15.00	1.25
517, 165 ONTARIO ST, ST CATHARINES, ON, L2R5K4	1.25	1.25	15.00	1.25
520, 165 ONTARIO ST, ST CATHARINES, ON, L2R5K4	1.25	1.25	15.00	1.25
601, 165 ONTARIO ST, ST CATHARINES, ON, L2R5K4	1.25	1.25	15.00	1.25
602, 165 ONTARIO ST, ST CATHARINES, ON, L2R5K4	1.25	1.25	15.00	1.25
603, 165 ONTARIO ST, ST CATHARINES, ON, L2R5K4	1.25	1.25	15.00	1.25
604, 165 ONTARIO ST, ST CATHARINES, ON, L2R5K4	1.25	1.25	15.00	1.25
607, 165 ONTARIO ST, ST CATHARINES, ON, L2R5K4	1.25	1.25	15.00	1.25
609, 165 ONTARIO ST, ST CATHARINES, ON, L2R5K4	1.25	1.25	15.00	1.25

\* 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 2016 is 2% and for 2017 is 1.5%.

**Schedule 3 - Ordered Rent Increase Above the Guideline****First Effective Date of Rent Increase in this Order is May 1, 2016**

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 May 1, 2016 to April 30, 2017**

Unit	% inc for Cap. Exp.	Total Increase (excludes guideline)	Weighted Useful Life for Capital Exp. *	Total % for Cap. Exp.
610, 165 ONTARIO ST, ST CATHARINES, ON, L2R5K4	1.25	1.25	15.00	1.25
611, 165 ONTARIO ST, ST CATHARINES, ON, L2R5K4	1.25	1.25	15.00	1.25
618, 165 ONTARIO ST, ST CATHARINES, ON, L2R5K4	1.25	1.25	15.00	1.25
619, 165 ONTARIO ST, ST CATHARINES, ON, L2R5K4	1.25	1.25	15.00	1.25
620, 165 ONTARIO ST, ST CATHARINES, ON, L2R5K4	1.25	1.25	15.00	1.25
701, 165 ONTARIO ST, ST CATHARINES, ON, L2R5K4	1.25	1.25	15.00	1.25
702, 165 ONTARIO ST, ST CATHARINES, ON, L2R5K4	1.25	1.25	15.00	1.25
705, 165 ONTARIO ST, ST CATHARINES, ON, L2R5K4	1.25	1.25	15.00	1.25
708, 165 ONTARIO ST, ST CATHARINES, ON, L2R5K4	1.25	1.25	15.00	1.25
710, 165 ONTARIO ST, ST CATHARINES, ON, L2R5K4	1.25	1.25	15.00	1.25
711, 165 ONTARIO ST, ST CATHARINES, ON, L2R5K4	1.25	1.25	15.00	1.25
716, 165 ONTARIO ST, ST CATHARINES, ON, L2R5K4	1.25	1.25	15.00	1.25
719, 165 ONTARIO ST, ST CATHARINES, ON, L2R5K4	1.25	1.25	15.00	1.25
801, 165 ONTARIO ST, ST CATHARINES, ON, L2R5K4	1.25	1.25	15.00	1.25
806, 165 ONTARIO ST, ST CATHARINES, ON, L2R5K4	1.25	1.25	15.00	1.25
810, 165 ONTARIO ST, ST CATHARINES, ON, L2R5K4	1.25	1.25	15.00	1.25
811, 165 ONTARIO ST, ST CATHARINES, ON, L2R5K4	1.25	1.25	15.00	1.25
815, 165 ONTARIO ST, ST CATHARINES, ON, L2R5K4	1.25	1.25	15.00	1.25
817, 165 ONTARIO ST, ST CATHARINES, ON, L2R5K4	1.25	1.25	15.00	1.25
819, 165 ONTARIO ST, ST CATHARINES, ON, L2R5K4	1.25	1.25	15.00	1.25
820, 165 ONTARIO ST, ST CATHARINES, ON, L2R5K4	1.25	1.25	15.00	1.25
901, 165 ONTARIO ST, ST CATHARINES, ON, L2R5K4	1.25	1.25	15.00	1.25
909, 165 ONTARIO ST, ST CATHARINES, ON, L2R5K4	1.25	1.25	15.00	1.25
910, 165 ONTARIO ST, ST CATHARINES, ON, L2R5K4	1.25	1.25	15.00	1.25
911, 165 ONTARIO ST, ST CATHARINES, ON, L2R5K4	1.25	1.25	15.00	1.25
914, 165 ONTARIO ST, ST CATHARINES, ON, L2R5K4	1.25	1.25	15.00	1.25
916, 165 ONTARIO ST, ST CATHARINES, ON, L2R5K4	1.25	1.25	15.00	1.25
917, 165 ONTARIO ST, ST CATHARINES, ON, L2R5K4	1.25	1.25	15.00	1.25
919, 165 ONTARIO ST, ST CATHARINES, ON, L2R5K4	1.25	1.25	15.00	1.25

\* 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 2016 is 2% and for 2017 is 1.5%.

#### 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 2016 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 2016 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.