



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.

**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.