



Order under Section 21.2 of the Statutory Powers Procedure Act and the Residential Tenancies Act, 2006

Citation: Baker v Gagnon, 2024 ONLTB 6701

Date: 2024-02-01 **File Number:**
LTB-L-059938-23-RV

In the matter of: 3, 113 Marquette Avenue
Ottawa Ontario K1L5J7

Between: Sebastien Baker Landlord

And

Isabelle Gagnon Tenant

Review Order

Sebastien Baker (the 'Landlord') applied for an order to terminate the tenancy and evict Isabelle Gagnon (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was resolved by order LTB-L-059938-23 issued on December 14, 2023.

On January 15, 2024, the Landlord requested a review of the order.

A preliminary review of the review request was completed without a hearing.

Determinations:

1. The Landlord alleges that the order contains an error; specifically, that the parking charge is a separate charge under the lease agreement; and therefore not subject to guideline increases.
2. The issue at the hearing was the validity of the N4 notice of termination. That notice indicated that the lawful rent claimed was \$1,054.11 per month.
3. The Landlord confirmed that the rent was \$954.11 plus \$100.00 for parking.
4. The order reflects that the definition of rent includes services, such as parking. This is what the Landlord was claiming in the N4 notice of termination.
5. The issue is that the Landlord raised the parking fee by more than the guideline amount authorized. Because the parking fee is included in the definition of rent, it could only be raised by the guideline amount. This is what the order reflects at paragraphs 3 and 4.

6. The Landlord appears to disagree with these determinations, on basis that the parking fee is separate from the rental fee. While that may be true, the definition of rent includes that service in the definition of rent, even where a separate fee is charged.

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7. The comments at paragraphs 6 and 7, relate to admissions of the Landlord and were confirmed in the request for the review that the Landlord refused to accept rental payments. These do not change the outcome that the N4 notice of termination was defective.
8. On the basis of the submissions made in the request, I am not satisfied that there is a serious error in the order.

It is ordered that:

1. The request to review order LTB-L-059938-23 issued on December 14, 2023, is denied. The order is confirmed and remains unchanged.

February 1, 2024

Date Issued

Robert Patchett

Vice Chair, Landlord and Tenant Board

15 Grosvenor Street, Ground Floor Toronto
ON M7A 2G6

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

