



## Order under Subsection 135 Residential Tenancies Act, 2006

**Citation:** Sullivan v Prince, 2023 ONLTB 66795

**Date:** 2023-10-06

**File Number:** LTB-T-010390-23

**In the matter of:** 1, 21A Bridge St.  
Carleton PI ON K7C2V2

Tenant

**Between:** Peter Sullivan

**And**

Jeffrey Prince

Landlord

Peter Sullivan (the 'Tenant') applied for an order determining that Jeffrey Prince (the 'Landlord') collected or retained money illegally.

This application was heard by videoconference on August 10, 2023.

Only the Tenant attended the hearing.

As of 2:15pm, the Landlord was not present or represented at the hearing although properly served with notice of this hearing by the LTB. There was no record of a request to adjourn the hearing. As a result, the hearing proceeded with only the Tenant's evidence.

### **Determinations:**

1. The Tenant applied for an order determining that the Landlord illegally increased the rent on January 1, 2022.
2. The Tenant testified that the Landlord increased the Tenant's monthly rent by \$50.00 from \$725.00 to \$775.00 per month.
3. The Tenant was informed of the rent increase by the Landlord verbally a few days prior to the rent increase taking effect.
4. Pursuant to section 120(1) of the *Residential Tenancies Act, 2006* (the 'Act'), a landlord may not increase the rent more than the guideline amount. The guideline amount for 2022 was 1.2%, which would only allow for an \$8.70 increase from \$725.00.
5. Pursuant to section 116(1) of the Act, a landlord is required to give the tenant 90 days notice of the rent increase on a form approved by the Board (N1 Notice).



6. I find that the Landlord breached both sections of the Act by failing to give the Tenant 90-days of notice of the rent increase on a form approved by the Board, and by increasing the rent higher than is allowed under the Act. Therefore, the rent increase is illegal.
7. The Tenant testified that the Landlord had compensated the Tenant \$600.00 which was the amount being sought on this application, however the Tenant is currently seeking the filing fee for this application.
8. Therefore, the Tenant will only be awarded the filing fee of \$53.00.

**It is ordered that:**

1. The Landlord shall pay to the Tenant \$53.00, which was the cost to file this application.
2. The Landlord shall pay the Tenant the full amount owing by October 17, 2023.
3. If the Landlord does not pay the Tenant the full amount owing by October 17, 2023, the Landlord will owe interest. This will be simple interest calculated from October 18, 2023, at 7.00% annually on the balance outstanding.
4. If the Landlord does not pay the Tenant the full amount owing by October 17, 2023, the Tenant may recover this amount by deducting \$53.00 from the rent due for November 2023.
5. The Tenant has the right, at any time, to collect the full amount owing or any balance outstanding under this order.

**October 6, 2023**

**Date Issued**

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Robert Brown

Member, 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.