



Order under Subsection 135 Residential Tenancies Act, 2006

Citation: Xu v Wu, 2023 ONLTB 66794

Date: 2023-10-05

File Number: LTB-T-061032-22

In the matter of: 223 Knudson Dr
Kanata Ontario K2K2N7

Tenants

Between: Weipeng Xu
Qiuyi Liang

And

Hua Wu

Landlord

Weipeng Xu and Qiuyi Liang (the 'Tenant') applied for an order determining that Hua Wu (the 'Landlord') collected or retained money illegally.

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

The Landlord, the Landlord's Interpreter, April Zhang, and the Tenants attended the hearing.

Determinations:

1. The Tenants have made an application to the Board to determine that the Landlord collected money illegally from the Tenants by increasing the amount of rent due by \$100.00/month.
2. Rent was due on the 21st of the month.
3. On June 21, 2022, the Landlord increase the rent from \$850.00/month to \$950.00/month.
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 a \$10.20 increase from \$850.00.
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.
6. I find that the rent increase on June 21, 2022, ran contrary to the Act by increasing the rent higher than the guideline increase. Therefore, the rent increase on June 21, 2022, is illegal.

7. Both parties submitted that the \$200.00 that the Tenants were seeking was already compensated to the Tenants prior to the hearing, however, the Tenants are seeking the filing fee for this application.
8. Therefore, the Tenants will only be awarded the filing fee of \$53.00.

It is ordered that:

1. The Landlord shall pay to the Tenants \$53.00, which was the cost to file this application.
2. The Landlord shall pay the Tenant the full amount owing by October 16, 2023.
3. If the Landlord does not pay the Tenant the full amount owing by October 16, 2023, the Landlord will owe interest. This will be simple interest calculated from October 17, 2023, at 7.00% annually on the balance outstanding.

October 5, 2023

Date Issued

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.