



Cohen Highley^{LLP}
LAWYERS

www.cohenhighley.com

One London Place
255 Queens Avenue, 11th Floor
London, ON N6A 5R8
T. 519 672-9330
F. 519 672-5960

October 10, 2023

Client Services
Landlord & Tenant Board
15 Grosvenor Street, Ground Floor
Toronto, ON
M7A 2G6

Dear Madam/Sir:

**Re: Landlord Reply Submission
L5 Application – LTB-L-080485-22/TSL-24554-21
45 Dunfield Avenue, Toronto, Ontario**

We are legal representatives for the applicant landlord. This correspondence is written to confirm that a submission was received from Mr. McIntyre on behalf of the Tenants Association, along with submissions from the tenants of Unit #2116 and Unit #2203 in response to the Notice of Written Hearing. The deadline for tenants to reply was September 28, 2023.

The landlord's application seeks an above guideline rent increase based on the costs incurred to replace the roof system on the building.

Submissions re: Roof Replacement

The landlord advises the roof system on the building was estimated to be more than 20 years old and susceptible to leaking into the building. Localized repairs were carried out over the years to extend the life of the roof; however, the roof continue to weather and deteriorate. The landlord engaged TorCan ICI Roofing to evaluate the roof. In their report of March, 2019 they found the membrane was compromised and the roof was saturated due to poor drainage. They recommended the building roof system be replaced. (Landlord Exhibit #1).

In our submission, the project qualifies as an eligible capital expenditure as it was necessary to maintain the physical integrity of the structure and the weather envelope of the building [s. 126(7)(a) of the *Residential Tenancies Act*], and to comply with housing standards [s. 126(7)(b) of the *RTA*], and s.629-20. of the property standards bylaw.

There appears to be no dispute from the tenants respecting the eligibility of this project.

Mr. McIntyre on behalf of the tenants pleads that the appropriate useful life for the expenditure is 20 years. Upon further review and discussion with their engineers, the landlord acknowledges this particular roof system should have an expected life span of 20 years.

Submissions re: Elevator Room A/C Replacement

The landlord advises that the elevator machine room is located on the roof and contains the mechanical and electrical components that operate the building elevators. The electronic equipment is susceptible to breakdowns if it overheats. A standard three-ton (36,000 BTU) air conditioning unit is installed to moderate the temperature within the room. The existing unit was replaced as the condenser failed and was beyond economic repair.

In our submission, the project qualifies as an eligible capital expenditure as it was necessary to comply with housing standards [s. 126(7)(b) of the *RTA*], and s.629-31. of the property standards bylaw, and to maintain the mechanical conveying system [s. 126(7)(c) of the *RTA*].


The tenants assert this item does not meet the test for an eligible capital expenditure. In response the landlord notes that this component is integral to the conveying machinery for the building and has an expected useful life of more than five years. The item is enumerated in the Table 13 of O/Reg. 516/06 – item #27.

Submissions re: Units #2116 & #2203

The tenants submit their tenancies commenced following completion of the capital expenditures claimed in the application. The landlord has reviewed their documents and acknowledges these units were inadvertently included in the application and they should be removed.

We respectfully request the application be granted and that an Order be issued at the Board's earliest convenience.

Yours very truly,
COHEN HIGHLEY LLP


Paul Cappa, Paralegal, Partner
PC:vp

cc: Clients and Respondent