



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards
Ministry of Housing and Social Development

Decision

Dispute Codes: DRI

Introduction

This hearing dealt with an application by the tenant disputing a rent increase. Both parties participated in the conference call hearing and had opportunity to be heard.

Issue(s) to be Decided

Did the landlord serve a valid, enforceable notice of rent increase?

Background and Evidence

The parties agreed that on August 31, 2008 the landlord gave the tenant a letter advising that effective October 1, 2008, his rent would be raised from \$400.00 per month to \$450.00 per month. The landlord acknowledged that she was aware that the letter did not comply with the requirements of the Act with respect to the form which a notice of rent increase should take. The landlord further acknowledged that she was aware that the \$50.00 increase exceeded the 3.7% increase permitted under the Regulations but testified that she had a conversation with the tenant in which she had understood that he verbally acknowledged that a \$50.00 increase would be fair.

Analysis

The letter provided to the tenant by the landlord did not comply with the Act with respect to the form of notice and also exceeded the 3.7% increase permitted under the Regulations. I find that as the tenant did not agree in writing to the \$50.00 rent increase, the landlord must comply with the requirements of the Act. Any future rent increase must be served on the proper form, must not exceed 3.7% and must allow a full 3 months before the increase takes effect. The landlord may also apply for dispute resolution for an order permitting her to raise the rent by more than 3.7%.

Conclusion

The August 31, 2008 letter advising of the rent increase is invalid and ineffective to raise the rent. The tenant's rent will remain at \$400.00 per month until the landlord has complied with the requirements of the Act or has an order from a dispute resolution officer permitting to raise the rent more than 3.7%.

Dated October 15, 2008.