

# Dispute Resolution Services

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

## Decision

**Dispute Codes:** RI

## **Introduction**

This hearing dealt with an application by the landlord for an order permitting him to increase the rent above the rate permitted by the Regulations. Both parties participated in the conference call hearing and had opportunity to be heard.

## **Issue(s) to be Decided**

Is the rent for the rental unit significantly lower than the rent payable for other rental units similar to and in the same geographic area as the rental unit?

## **Background and Evidence**

The rental unit is a two-bedroom suite on the ground floor of a home in which there is a second two-bedroom suite which is also on the ground floor. The home is approximately four years old and the \$600.00 monthly rent includes utilities and is supposed to include cable television, but there was some dispute as to whether the landlord was providing cable. The second basement suite in the home is currently being rented for \$650.00 per month. The landlord testified that the second suite is located at the back of the home and is smaller, thereby making it less desirable. However, the second suite is allowed access to laundry whereas the rental unit is not.

The landlord provided photocopies of newspaper advertisements for two-bedroom basement suites in the Surrey and North Delta area. Many of the advertisements were for suites located in areas which could not be considered close to the rental unit. The advertisements for units which appeared to be in the same general area as the rental unit gave a range of \$700.00 - \$800.00 per month.

The tenant provided a written statement which included information about basement suites on the same street as the rental unit. The rates for the suites for which the tenant

gave information ranged from \$550.00 – 650.00. The tenant noted that rent for all of the comparable units included utilities and the one suite which rented for \$650.00 included laundry.

### **Analysis**

The landlord wishes to raise the rent to \$772.00 per month, a 28.7% increase. In order to establish his claim, the landlord must prove that the rent is significantly lower than the rent in comparable units. I find that the landlord has not met that burden. Although the landlord provided newspaper advertisements showing basement suites renting at much higher rates, the landlord has not proven that those suites were truly comparable to the rental unit in terms of size, condition, amenities and particularly with respect to the location of the suite. Rental rates can vary greatly depending on how close a unit is to such amenities as shopping malls, transit and schools. The newspaper advertisements do not establish that the suites advertised therein are in the same geographic area as the rental unit and accordingly I cannot find that they may be used for comparative purposes.

### **Conclusion**

The landlord's application is dismissed.

Dated: November 07, 2008.