



Dispute Resolution Services

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

Decision

Dispute Codes: OLC

Introduction

This hearing dealt with an application by the tenant for an order directing the landlord to comply with the *Act*. The tenant participated in the hearing and gave affirmed testimony. Despite being served by way of registered mail with the application for dispute resolution and notice of hearing, the landlord did not participate in the hearing.

Issue to be Decided

- Whether the tenant is entitled to an order to comply with the *Act*

Background and Evidence

Pursuant to a written residential tenancy agreement, the month-to-month tenancy commenced August 1, 2008. Rent in the amount of \$1,000.00 is payable in advance on the first day of each month. On July 24, 2008 the landlord collected a security deposit from the tenant in the amount of \$500.00.

By letter dated November 1, 2008, the landlord informed the tenant of a rent increase in the amount of \$212.75 to \$1,212.75 per month effective January 1, 2009. The tenant confirmed that the proposed rent increase applies to the same unit with regard to which the parties entered into the signed residential tenancy agreement.

The tenant provided the tracking number for registered mailing to the landlord of the application for dispute resolution and notice of hearing package.

Analysis

Based on the documentary evidence and the undisputed testimony of the tenant, I find that the application for dispute resolution and notice of hearing were served on the landlord.

Section 42 of the *Act* addresses “Timing and notice of rent increases.” In summary, this section of the *Act* provides that a landlord must not impose a rent increase for at least 12 months after the date on which the tenant’s rent was first established; in this case that date is August 1, 2008. Notice must also be given in the approved form and given at least 3 months before the effective date of the increase.

Further, section 43 of the *Act* provides, in part, that a landlord may impose a rent increase calculated in accordance with the regulations. In the alternative, a landlord may apply to the director for approval of a rent increase for an amount that is greater than the amount calculated under the regulations. More specific information about rent increases is available on the Residential Tenancy Branch website: www.rto.gov.bc.ca/

Following careful consideration of all the documentary evidence and testimony of the tenant, I find the landlord’s proposed rent increase contravenes the *Act*. Accordingly, I order that the landlord comply with the *Act*. In the result, the residential tenancy agreement in place between the parties remains in full force and effect; specifically, monthly rent in the amount of \$1,000.00 remains unchanged.

Conclusion

I hereby order the landlord to comply with the *Act*. Rent remains unchanged from \$1,000.00 per month.

DATE: December 4, 2008

Dispute Resolution Officer

