



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes DRI, FF

Introduction

This matter dealt with an application by the tenant to dispute a rent increase requested by the landlord and to recover the filing fee for this application.

Service of the hearing documents was done in accordance with section 89 of the *Act*. They were set to the landlord by registered mail on April 23, 2009. The landlord confirmed she had received them.

Both parties appeared, gave their testimony, were provided the opportunity to present evidence and make submissions. On the basis of the evidence presented at the hearing, a decision has been reached:

Issues(s) to be Decided

- Is the landlord entitled to a increase the rent?
- Is the tenant entitled to recover his filing fee?

Background and Evidence

This tenancy started on January 01, 2009. It is a fixed term tenancy for one year. Rent is \$725.00 per month payable on the 1st of each month. The tenants gave the landlord six post dated cheques for the rent. The landlord gave the tenants a Notice that the rent would be increased from July 01, 2009 to \$780.00. The tenants dispute this rent increase.

The landlord confirms that she did give the tenants' a Notice to increase the rent and would have been happy to discuss this with them. The landlord objects to the comments in the tenants' letter filed with his application. However, as these comments have no bearing as evidence connected to the rent increase they have been disregarded.

Analysis

The *Residential Tenancy Act* s. 42(1) states that a landlord must not impose a rent increase for at least 12 months. It goes on to say in s. 43(1)(a) that a landlord may impose a rent increase only up to the amount calculated in accordance with the regulations. Therefore, I find that the tenants' application is upheld and the rent increase planned for July 01, 2009 must not be imposed.

As the tenant has been successful in his application I find that he is entitled to recover his filing fee for this proceeding.

Conclusion

I Order, that the landlord bear the cost of the filing fee paid for this hearing. The tenant may therefore deduct **\$50.00** from future rent payable to the landlord.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the *Residential Tenancy Act*.

Dated: May 28, 2009.

Dispute Resolution Officer