



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes O

Introduction

This hearing dealt with the Landlord's Application for an Additional Rent Increase, seeking an order that the rents for the subject units may be increased beyond the statutory limits.

Both parties appeared, gave affirmed testimony and were provided the opportunity to present their evidence orally and in written and documentary form, and to cross-examine the other party, and make submissions to me.

Issues(s) to be Decided

After the rent increase allowed under the regulation to the Act, are the rents payable for the units significantly lower than the rents payable for other rental units similar to and in the same geographic area, as the rental units?

Background and Evidence

The Landlord is applying to increase the rents for the subject units, ranging from 5.32% to 16.44%, which are over the amount allowed under the Act. The Landlord wants to have consistent rent for all similar units in the rental property.

In evidence the Landlord has provided extracts from an appraisal prepared by a professional appraiser. The appraisal appears to have been lengthy, at least 28 pages, however, the Landlord has supplied only three pages of content from the report.

Absent from the appraisal report extract are the comparable data or information on similar units in the geographic area, which were used to compare the subject units. The extracts from the report are also not clear on whether or not the current rents payable are significantly lower than the units used in comparison.

The Tenants who appeared were disappointed with the Landlord for applying for the increase. One of the appearing Tenants had lived in the unit for 23 years and stated there had been little done to the units during that time.

Another long time Tenant explained that no updates had been done to the units for 35 years, with many having the original bathroom and kitchen facilities.

The Tenants explained that money has been spent on increasing the “curb appeal” of the property, but not on the interiors of the units.

Analysis

The Landlord has the burden and is responsible for proving that the rents payable for the rental units are significantly lower than the current rents payable for similar units in the same geographic area. The same geographic area means the area located within a reasonable kilometre radius of the subject rental units, with similar physical and intrinsic characteristics.

Specific and detailed information, such as rents for all the comparable units in the residential property and similar residential properties in the immediate geographical area with similar amenities, should be part of the evidence provided by the Landlord.

Based on the foregoing, the evidence, testimony and on a balance of probabilities, I find the Landlord’s Application must be dismissed.

I find the Landlord failed to provide sufficient evidence that there were similar rental units in the same geographical area, with similar amenities, that were renting for more money.

I further find the Landlord has provided insufficient evidence of the units used in comparison, and failed to prove the rents in the subject units are significantly lower than comparable units.

Conclusion

The Application for Additional Rent Increases is dismissed. The Landlord had insufficient evidence to support the Application.

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: June 19, 2009.

Dispute Resolution Officer