

Dispute Resolution Services

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

Decision

Dispute Codes: DRI, OC, FF

Introduction

This hearing dealt with an application by the tenant disputing a rent increase and for an order that the landlord comply with the Act. Both parties participated in the conference call hearing.

Issue(s) to be Decided

Is the notice of rent increase valid?

Background and Evidence

The landlord served the tenant with a notice of rent increase which purported to raise her rent from \$335.00 per month to \$475.00 per month, an increase of approximately 42%. The tenant seeks a declaration that this is an invalid increase and an order that the landlord comply with the statutorily prescribed 3.7% increase.

Analysis

At the hearing the landlord was advised that under the Act, a rent increase for 2009 is limited to 3.7%. If the landlord is at liberty to apply for dispute resolution for an order permitting an additional rent increase, but until such an order is granted, the landlord is limited to the 3.7% increase permitted under the Act. I find that the notice of rent increase is invalid. The rent will remain at \$335.00 per month until such time as the landlord raises it by serving a proper notice of rent increase for no more than 3.7% or until the landlord is granted an order for an additional rent increase.

As the landlord has been advised of the requirements of the law, I find it unnecessary to order the landlord to comply with the Act.

The tenant is entitled to recover the \$50.00 filing fee paid to bring her application and

may deduct this sum from future rent owed to the landlord.

Conclusion

The notice of rent increase is set aside and is of no force or effect.

Dated July 03, 2009.
