

Decision

Dispute Codes: RI

Introduction

This hearing dealt with an application from the landlord for a rent increase above the limit set by the Residential Tenancy Regulations. Both parties participated in the hearing and gave affirmed testimony.

Background and Evidence

Pursuant to a written residential tenancy agreement, the month-to-month tenancy began on October 1, 1998. Rent has remained unchanged at \$1,200.00 per month since the start of tenancy. In her application the landlord seeks an additional rent increase over the 3.2% permitted by the legislation. Specifically, the landlord seeks an overall rent increase of \$400.00 per month, bringing the monthly rent to \$1,600.00.

In her application the landlord requests an additional increase of 30.3% over and above the 3.2% allowable, leading to a total increase of 33.5%. Such an increase according to the landlord's figures would actually add \$402.00 per month to the current level of rent, resulting in monthly rent of \$1,602.00.

During the hearing the parties exchanged views on the circumstances surrounding the landlord's application and undertook to achieve a resolution.

Analysis

Section 63 of the Act provides that the parties may undertake to settle their dispute during a hearing. Pursuant to this provision, discussion between the parties during the hearing led to a resolution. Specifically, it was agreed as follows:

- that the landlord withdraws her application for an additional rent increase;

- that the tenant will vacate the unit by no later than 1:00 p.m., January 31, 2010, and that an *order of possession* will be issued in favour of the landlord to that effect;
- that the landlord waives her entitlement to payment of all rent from the tenant for each of the months of December 2009 and January 2010, such that the tenant may withhold payment of all rent to the landlord for these two months;
- that the above particulars comprise full and final settlement of all aspects of the dispute for both parties, which arise out of the landlord's application for an additional rent increase.

Conclusion

Pursuant to all of the above, I hereby issue an order of possession in favour of the landlord effective not later than **1:00 p.m., January 31, 2010**. This order must be served on the tenant. Should the tenant fail to comply with the order, the order may be filed in the Supreme Court of British Columbia and enforced as an order of that Court.

Following from the above and pursuant to section 63 of the Act, I hereby order that the tenant may withhold payment of all rent for each of the two months of December 2009 and January 2010.

DATE: November 17, 2009

Dispute Resolution Officer