



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes DRI

Introduction

Some documentary evidence and written arguments has been submitted by the parties prior to the hearing. I have thoroughly reviewed all submissions.

I also gave the parties the opportunity to give their evidence orally and the parties were given the opportunity to ask questions of the other parties.

All testimony was taken under affirmation.

Issues(s) to be Decided

This is an application to dispute an additional rent increase. The applicant is also requesting an order that the respondent bear the \$50.00 cost of the filing fee that was paid for this hearing

Background and Evidence

The applicant testified that:

- The landlord has given him a notice of rent increase that will raise the rent by \$42.00 on March 1, 2010.
- The rent was increase in 2004 and at that time the landlord promised there would be no further increases.
- The landlord has also failed to supply some of the things promised in the tenancy agreement.

The applicant is therefore requesting that the rent increase be denied.



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Analysis

The residential tenancy act allows a landlord to raise the rent by 3.2% in 2010 as long as three clear months notice to do so are given and it has been at least 12 months since the last rent increase. In this case the landlord has given the proper notice and has raised the rent by just slightly less than 3.2%, and it has been six years since the last rent increase.

Therefore the landlord is fully within his rights to raise the rent by \$42.00.

As far as failing to provide services or facilities promised in the tenancy agreement, the tenant does have a right to apply for a rent reduction for failure to provide services or facilities, however he is not done so and therefore that has no effect on this Notice of Rent Increase

Conclusion

This application is dismissed in full without leave to reapply.

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: January 08, 2010.

Dispute Resolution Officer