

DECISION

Dispute Codes DRI, OLC

Introduction

This hearing dealt with the Tenant's Application for Dispute Resolution, seeking to dispute an additional rent increase and an order for the Landlord to comply with the Act.

It is unclear when the Tenant served the Landlord with the Notice of Hearing and Application for Dispute Resolution, but I found I was able to proceed on the evidence submitted by the Tenant.

Issue(s) to be Decided

Is the Tenant entitled to the relief he has sought?

Background and Evidence

The Tenant provided affirmed testimony and submitted evidence that his rent has been increased three times in four years since he began his tenancy in May 2006. The Tenant did not disagree that the first two rent increases were justified, but contends the third notice of rent increase, which is the subject of this dispute, was in retaliation by the property manager.

The Tenant provided a copy of the Notices of Rent Increase from 2009 and 2010. The Notice in 2009 was dated July 25, 2009, with an effective increase date of November 2009, with rent being increased from \$769.00 to \$797.00, representing slightly less than the 3.7% allowed for 2009.

The 2010 Notice, which is in dispute, was dated August 30, 2010, with an effective increase date of December 1, 2010, with rent being increased from \$797.00 to \$822.00, representing slightly less than the 3.2% allowed for 2010.

Analysis

Based on the foregoing, the testimony and evidence, and on a balance of probabilities, I find as follows:

Sections 41, 42 and 43 of the Act provide for rent increases, including the timing and notice of a rent increase, and the amount of the rent increase. These sections provide

that a landlord may increase rent upon giving a proper Notice of Rent Increase at least three months in advance for an amount that complies with the Act.

I find that the Notice of Rent Increase signed and dated on August 30, 2010, by the Agent for the Landlord met the requirements of Section 42 and 43 of the Act as the effective date of the increase was more than 12 months from the previous increase, gave the Tenant at least three months notice before the effective date and was in the approved form. I further find that the Notice of Rent Increase was calculated in accordance with the regulations.

I find that the Notices of Rent Increase were valid and enforceable and I therefore **dismiss** the Tenant's Application.

Conclusion

The Tenant's Application is dismissed.

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: November 10, 2010.

Dispute Resolution Officer