



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes DRI

Introduction

This matter dealt with an application by the tenant to dispute an additional rent increase.

Service of the hearing documents was done in accordance with section 89 of the *Act*, and were sent by registered mail to the landlord on June 18, 2010.

Both parties appeared, gave affirmed testimony, were provided the opportunity to present their evidence orally, in written form, documentary form, to cross-examine the other party, and make submissions to me. On the basis of the solemnly affirmed evidence presented at the hearing I have determined:

Issues(s) to be Decided

- Is the tenant entitled to dispute an additional rent increase?

Background and Evidence

Both parties agree that this tenancy started in 1995. Rent for this pad has risen since that time to \$225.00. Rent is due on the first day of each month.

The tenant disputes the landlords rent increase of \$24.96 as he claims his rent has been increased more than the allowable amount for 2010.

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The landlord has provided his calculation for the additional rent increase using a Residential Tenancy 'Notice of Rent Increase – Manufactured Home Site' form. The landlord has also provided documentary information that was used to determine the incremental rent increase for the tenants pad. The landlord claims the increase was calculated in accordance with the Manufactured Home Park Regulations for rent increases and states this information was given to the tenant. The last rent increase was effective on September 01, 2009 and this increase Notice was given to the tenant on May 27, 2010 and was effective on September, 01, 2010.

Analysis

Section 36(1) of the *Manufactured Home Park Tenancy Act*(Act) states the amount of rent may be increased only up to the amount calculated in accordance with the regulations or as ordered by the Director or as agreed to in writing by the tenant.

Section 32 of the Regulations provides for the maximum allowable rent increase. It states:

(2) For the purpose of section 36 (1)(a) of the *Act*, a landlord may impose a rent increase that is no greater than the amount calculated as follows:

Inflation rate + two per cent + proportional amount.

The inflation rate determined by the consumer price index for British Colombia for 2010 is 1.2%. The proportional amount is defined in section 32 of the regulations to mean "the sum of the change in local government levies and the change in utility fees divided by the number of manufactured homes sites in the manufactured home park. Therefore I accept that the annual levies increased to \$127.56 and the public utility fees and charges increased to \$50.00. As there are 10 lots on the park the proportionate amount



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of the tenants site is \$17.75. The 2% calculation is \$4.50 on the previous rent and the inflation increase is \$2.70.

Therefore, I have determined that the calculations used by the landlord to determine the rent increase from September 01, 2010 is correct and the tenants rent increase is \$24.96 which takes his rent to \$249.96 starting on September 01, 2010.

Section 36(2) states a tenant may not make an application for Dispute Resolution to dispute a rent increase that complies with this part. Consequently, the tenant is not entitled to dispute the rent increase imposed by the landlord in the Notice issued on May 27, 2010.

Conclusion

The tenants' application to dispute the additional rent increase is dismissed 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: November 02, 2010.

Dispute Resolution Officer