



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Public Safety and Solicitor General

DECISION

Dispute Codes DRI, MNDC

Introduction

This conference call hearing was convened in response to the tenant's application to dispute a notice of additional rent increase based on income, and for a Monetary Order for money owed or compensation for damage or loss under the Act.

Both parties attended the hearing.

Background and Evidence

The rental unit consists of a unit subsidized and operated by the BC Housing Management Commission in Prince George.

At the outset, the tenant confirmed that his application, the attached evidence and his monetary claim were directly related to his dispute with BC Housing Management Commission regarding a rent increase based on income.

The landlord argued on the basis of jurisdiction.

Analysis

Part 1, Section 2 of the *Residential Tenancy Regulation* specifies in part that:

*"Rental units operated by the following are exempt from the requirements of sections 34(2), 41, 42, and 43 of the Act [assignment and subletting, **rent increases**] if the rent of the units is related to the tenant's income:*

(a) The British Columbia Housing Management Commission:"

Conclusion

The rent increase sought by the BC Housing Management Commission is directly tied to the tenant's income. Accordingly, the tenant's application to dispute the rent increase is dismissed for lack of jurisdiction.

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 19, 2011.

Residential Tenancy Branch