



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

**Dispute Codes**     DRI; OLC; OPT; O

### **Introduction**

On June 1, 2011, the Tenant filed an Application for Dispute Resolution seeking to dispute an additional rent increase; for an Order that the Landlord comply with the Act, regulation or tenancy agreement; and for an Order of Possession of the rental unit.

The Tenant and her three children occupy a suite in a hotel. The Tenant seeks an interim Order that the *Residential Tenancy Act* (the “Act”) applies to her living accommodation. The Hearing today dealt only with whether the parties had a tenancy agreement and therefore the Act applies. The Hearing took place without notice to the Landlord in accordance with the provisions of Section 59(6) of the Act.

### **Issue(s) to be Decided**

Is the Tenant entitled to an interim Order that the Act applies to this living situation?

### **Background and Evidence**

The Tenant stated that she moved into the rental unit in October or November of 2010. She stated that she paid a security deposit in the amount equivalent to half a month’s rent. Monthly rent is \$946.40, due on the first day of each month. The Tenant alleges that she and the Landlord signed an Intent to Rent form for the purposes of the Tenant securing social assistance, but the Tenant does not have a copy of the form. The Tenant understood she was renting the suite on a month to month basis.

The Tenant stated that on May 25, 2011, she found a notice on her door from the Landlord. The notice, dated May 20, 2011, stated:

This is to inform you effective June 1, 2011 our summer rates will be starting.

The rent for the unit you occupy will be increased by \$200.00 per month, effective on your next renewal date.

All other conditions on your monthly agreement will continue to remain in effect.

The Tenant testified that a few days later she found another notice. This time the notice stated:

Further to your Notice of Summer Rate Increase which raised your rates by \$200 monthly effective June 1, 2011

This will result in a prorated increase of \$146.00 ( $\$200 \times 22/30$ ) from June 1<sup>st</sup> to June 22<sup>nd</sup> due on your next payment date.

Please note, the additional payment of \$146.00 is due June 1<sup>st</sup>.

If necessary, please take this Notice to your social agency for review.

The Tenant stated that her social worker told her that the Landlord has cashed her rent cheque for June 1, 2011.

### **Analysis**

Based on the Tenant's testimony, and without the benefit of any testimony from the Landlord, I find that the parties may have entered into a tenancy agreement. I was particularly influenced by the following statements made by the Tenant:

1. The Tenant rented the room on a monthly basis;
2. The parties signed an Intent to Rent form;
3. The Tenant paid a security deposit in the equivalent of  $\frac{1}{2}$  a month's rent;
4. The Tenant paid rent in advance; and

5. The Landlord refers to “rent” and a “monthly agreement” in the Notice posted on the Tenant’s door on May 25, 2011, and encourages the Tenant to take subsequent Notice to her “social agency” for review if necessary.

### **Conclusion**

I hereby issue an Interim Order that the Act applies to this rental unit. This interim Order remains in effect until jurisdiction is determined at a Dispute Resolution Hearing, where the Dispute Resolution Officer will have the benefit of hearing the Landlord’s testimony as well as the Tenant’s and where the Landlord may present evidence that the Act does not apply.

The Dispute Resolution Hearing will take place on June 23, 2011, at 1:30 p.m. via teleconference, pursuant to the enclosed Notice of a Dispute Resolution Hearing. The Tenant must serve the Landlord with a copy of this interim Decision, together with the Notice of Hearing documents, by June 4, 2010, in accordance with the service provisions of Section 89(1) of the Act.

This interim 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: June 01, 2011.

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Residential Tenancy Branch