

DECISION

Dispute Codes: RI, O

Introduction

This application was brought by the landlord on June 8, 2011 seeking a approval of an additional rent increase beyond the allowable annual increase under section 36(3) of the *Act* on the grounds that:

1. Rents are significantly lower than comparable and proximate parks – Regulation 33(1)(a).

Issues to be Decided

As directed by *regulation* 33(4), this application requires a decision on whether the additional increase is to be granted, refused, phased in over time or conditional taking into account the criteria set out under regulation 33(3), the following of which I find applicable in the present application:

- a) the rent payable for similar sites in the manufactured home park immediately before the proposed increase is intended to come into effect;
- (f) a relevant submission from an affected tenant;

Background and Evidence

The applicant landlord has owned the subject manufactured home park, Tamarac Mobile Home Park, since 1975 jointly with her husband until his passing six years ago. The park has 28 sites, one of which is occupied by the landlord. Rent for all units is \$200 per month.

Tenants of only one unit, family members of the landlord, called in to the number provided to enable their participation in the telephone conference call hearing which was held open for 20 minutes. They expressed no objection to the increase.

During the hearing, the landlord submitted a copy of an appraisal of the property obtained in contemplation of a sale as the landlord wishes to retire. The appraisal noted that rents in the park are substantially below market rents which the report set at \$250 per month.

The parties gave evidence that, even with the requested increase, pad rents in the park would still be at the bottom of the range of comparable parks in the area. They cited parks in Salmo, Castlegar and Nelson in which rents ranged from \$250 to \$300 per month and knew of none lower than \$250.

Analysis

In the absence of any objection to the proposed increase by tenants, and in the absence of any evidence to the contrary, I find that the requested increase from \$200 per month to \$250, while a substantial percentage increase of 25 percent, will simply align rents with the lower end of comparable parks.

That, in turn, should contribute to the continuing viability of the park as an operating business.

Therefore, I find that the full increase should be allowed. The landlord is hereby authorized to issue a Notice of Rent Increase to \$250 per month three months in advance of the January 1, 2012 implementation date as requested.

Conclusion

The requested increase is allowed in the full amount.

The landlord has agreed to accept all copies of this decision and ensure their delivery to all tenants.

September 12, 2010