

DECISION

Dispute Codes DRI, O

This is an application filed by the Tenant to dispute an additional rent increase. The Tenant states that the Landlord has given improper notice of a rent increase and an improper amount of rent increase.

Both parties attended the hearing by conference call and gave testimony.

The Tenant states that no Notice of a Rent Increase was served on her. The Rent amount of \$650.00 has not changed, but that of the subsidy issued by BC Housing has changed.

Both parties agreed that the Tenancy is based upon a BC Housing Rent Subsidy. The Residential Tenancy Act, Residential Tenancy Regulations, Section 2, which states,

Exemptions from the Act

2 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;

(b) the Canada Mortgage and Housing Corporation;

(c) the City of Vancouver;

(d) the City of Vancouver Public Housing Corporation;

(e) Metro Vancouver Housing Corporation;

(f) the Capital Region Housing Corporation;

(g) any housing society or non-profit municipal housing corporation that has an agreement regarding the operation of residential property with the following:

(i) the government of British Columbia;

(ii) the British Columbia Housing Management Commission;

(iii) the Canada Mortgage and Housing Corporation.

Based on this testimony, I find that Section 2 of the Regulations apply and decline 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: October 27, 2011.

Residential Tenancy Branch