



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes RI, O

Introduction

This application was brought by the landlord seeking authorization to implement a rent increase on a single unit under section 43(3) of the *Act* that exceeds the 2.3 percent annual increase currently permitted by *Regulation* on the grounds that the rent is significantly lower than comparable rents in the same geographic area.

Issue(s) to be Decided

This matter requires a decision on whether the current rent is significantly lower than comparable units in the same geographic area and whether circumstances warrant approval of the requested increase in full or in part.

Background and Evidence

The tenancy in question is one-half of a duplex on a property that includes 20 manufactured homes, eight of which are owned by the landlord and rented, and three conventional houses. The tenancy began on February 1, 2006 and rent is currently \$670 per month which the landlord seeks to increase to \$775 per month. The landlord has operated the property for 14 years.

During the hearing, the landlord gave evidence that the subject rental unit is identical to the other side of the duplex which has rented for \$775 for the past year. She submitted that it is comparable to three of the manufactured homes which rent for \$800 per month.

The tenant stated that she had opposed a former request for an increase by the landlord as she had concerns over maintenance issues. She stated that the landlord has made satisfactory progress in addressing the maintenance issues and she is confident that the improvements will continue.

In the definitive comment in this matter, the tenant stated that her observations of prevailing rents in the broader market area indicate that the requested increase is fair and she does not oppose it.

Analysis

Section 43(3) of the *Act* creates the mechanism under which a landlord may apply for an additional rent increase beyond the regulated allowable annual increase. Regulation 23(a) includes among the reasons such an increase may be granted occurs when the rent is significantly lower than comparable rents in the same geographic area.

On the basis of the submission by the landlord and the concurrence of the tenant that the requested increase meets that criterion, I find that the requested increase from \$670 to \$775 per month is allowed as requested.

Conclusion

I hereby authorize and order that the landlord may now issue the tenant with a three month Notice of Rent Increase to \$775 per month.

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 18, 2011.

Residential Tenancy Branch