



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes DRI, FF

Introduction

This conference call hearing was convened in response to the tenant's application to dispute an additional rent increase and to recover the filing fees associated with this application.

Both parties attended the hearing and provided affirmed testimony. They were given a full opportunity to be heard, to present evidence and to make submissions.

Issue(s) to be Decided

Should the rent increase be allowed?

Are the tenants entitled to recover the filing fee?

Background and Evidence

The rental unit consists of a two bedroom suite in a tri-plex building. Pursuant to a written agreement, the month to month tenancy started on January 3rd, 2002. The rent is \$475.00 per month.

The tenant testified that the landlord's rent increase pursuant to the notice exceeds the allowed rate of 3.2%. The landlord testified that he did not get notice of a dispute resolution hearing until last Thursday. He stated that the rent was \$400.00 per month when the tenancy started ten years ago, and that since then his property taxes

increased by \$51.8%; his insurance by 52.5%; his garbage and sewer service costs by 59%; and his travel costs by 112%.

In his documentary evidence, the tenant provided a copy of the landlord's notice of rent increase dated December 27th, 2011, showing a rent increase of \$200.00 per month.

Analysis

Section 43(1) of the Act states in part that; a landlord may impose a rent increase only up to the amount calculated in accordance with the regulations, or agreed to by the tenant in writing. The rent increase imposed by the landlord did not correspond to the 3.2% allowable rate for 2011. The Act further states that; a landlord may request an amount that is greater than the allowable amount by making an application for dispute resolution. The landlord did not apply for dispute resolution. In that context I find that the landlord did not comply with the Act and therefore the increase is not allowed.

Conclusion

The rent increase is not allowed and therefore the rent will remain at \$475.00 per month. Since the tenant was successful, the tenant is authorized to a one-time deduction of \$50.00 from the next month's rent to recover the filing fee for this application.

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 23, 2012.

Residential Tenancy Branch