



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OLC, FF

Introduction

This hearing was convened in response to the tenant's application seeking an Order that the landlord comply with the Act and seeking recovery of the filing fee paid for this application.

The tenant gave evidence that he served his application on the landlord by way of Canada Priority Post. The landlord did not attend the hearing and, based on the tenant's evidence, I find that the landlord was properly served with notice of this application.

The tenant gave testimony under oath.

Issue(s) to be Decided

Should the landlord be ordered to comply with the Act?

Background and Evidence

The tenant received a Notice of Rent increase effective February 1, 2012 which was taped to his door on December 14, 2011 even though the Notice itself is dated October 13, 2011. The tenant testified that he is not disputing the increase only that he has not received a proper notice as it was not signed by the landlord and nor has he been given 3 months notice as required by the Act because he did not receive the notice until December 14, 2011.

Analysis

I do not find that the Notice to be invalid because it was not signed, it is clearly issued by the landlord and the tenant does not dispute that the notice is from his landlord. However, based on the undisputed evidence of the tenant I find that having received the Notice December 14, 2011 he has not had three clear months notice of the rent

increase. To ensure three months clear notice I direct that the rent increase will take effect April 1, 2012 rather than February 1, 2012 as set out on the notice.

Having been mostly successful in his application I find that the tenant should be entitled to recovery of his filing fee. I direct the tenant to deduct \$50.00 from his next monthly rental payment in order to realize recovery of this fee.

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 05, 2012.

Residential Tenancy Branch