



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes:

OLC, PSF, FF

Introduction.

This hearing dealt with an application by the tenant, pursuant to the *Residential Tenancy Act*, for an order seeking landlord's action to comply with the *Act* and to provide services and facilities. The tenant has also applied for the recovery of the filing fee.

Both parties attended the hearing and were given full opportunity to present evidence and make submissions.

Issues to be decided

Has the landlord fulfilled his responsibilities as a landlord with regard to complying with the *Act* and providing services and facilities required by law? Did the landlord impose a rent increase that is not in keeping with legislation? Is the tenant entitled to the recovery of the filing fee?

Background and Evidence

This month to month tenancy started on In June 2001. At the start of tenancy the rent was \$970.00 and included one parking space. The tenant needed a second parking space and paid an additional \$10.00 per month. At the time of the hearing the tenant paid \$1,215.00 for rent plus \$80.00 for two parking spaces. The tenant stated that he did not understand why he was being charged separately for two parking spaces when one was included in the rent.

The tenant stated that recently he found a letter from the landlord dated February 21, 2005 explaining the breakdown of the total monthly amount. He stated that he felt he was being overcharged by the landlord and therefore filed this application.

In February 2005, the landlord decided to separate the parking charges from the rent. At that time the parking charges per stall was \$25.00. The tenant's rent was \$1,030.00. The landlord credited \$25.00 to the tenant's rental amount and then applied a rent increase that was in keeping with the amount set by legislation.

The tenant's rent increased to \$1,035.00. The fees for two parking stalls amounted to \$50.00. The landlord sent out a letter explaining the breakdown of the monthly charges.

At the time of the hearing the tenant is paying \$1,215.00 for rent plus \$80.00 for two parking stalls. The rent increases over the years were made by rates that are in keeping with those set by legislation.

The tenant stated that he ticked off the boxes in his application after speaking with the agent at the Residential Tenancy Branch office. He agreed that the landlord was in compliance with the *Act* and had provided services and facilities as required by law. The tenant decided to withdraw his application.

Analysis

Based on the testimony of both parties, I find that the landlord has not contravened the *Act* and has levied rent increases that are in keeping with the legislated percentage of increase.

Conclusion

The tenant's application is dismissed. The tenant must bear the cost of filing his 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: March 14, 2012.

Residential Tenancy Branch