



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC, DRI, MNDC

Introduction

A substantial amount of documentary evidence and written arguments has been submitted by the parties prior to the hearing. I have thoroughly reviewed all submissions.

I also gave the parties the opportunity to give their evidence orally and the parties were given the opportunity to ask questions of the other parties.

All testimony was taken under affirmation.

Issue(s) to be Decided

This is a request to cancel a Notice to End Tenancy, to dispute an additional rent increase, and a request for a monetary order.

Decision and reasons

This dispute arises over what the tenant believes to be an illegal rent increase, however the tenant is in the rental unit operated by the British Columbia Housing Management Commission where the rent is related to the tenant's income.

Therefore under Section 2 of the Residential Tenancy Regulations, this rental unit is exempt from the rent increase provisions of the Residential Tenancy Act and I have no

authority to impose any rental amount on the landlords, it is the landlords who set the rent for this rental unit.

Therefore since the tenant has not paid the amount required by the landlords, I will not be setting the Notice to End Tenancy aside, as there is still a substantial amount of rent outstanding.

Conclusion

The tenant's application is dismissed in full without leave to reapply, and at the request of the landlords, I have issued an Order of Possession that is enforceable two days after service on the tenant.

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: April 02, 2012.

Residential Tenancy Branch