



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes

RI

Introduction

This hearing dealt with an application by the landlord for a rent increase above the limit set by the Residential Tenancy Regulation. Both parties were represented in the hearing, had opportunity to be heard and gave testimony.

The burden of proving their claim on application rests with the applicant.

Issue(s) to be decided

Whether the landlord is entitled to an additional rent increase after a rent increase permitted by the Regulation.

Background and Evidence

The full text of the Act, regulation, Residential Tenancy Policy Guideline, Fact Sheets, forms and more can be accessed via the website: www.rto.gov.bc.ca/. Section 23 of the Regulation addresses **Additional rent increase**, and provides in part as follows:

23(1) A landlord may apply under section 43(3) of the Act [*additional rent increase*] if one or more of the following apply:

- (a) after the rent increase allowed under section 22 [*annual rent increase*], the rent for the rental unit is significantly lower than the rent payable for other rental units that are similar to, and in the same geographic area as, the rental unit;
- (b) the landlord has completed significant repairs or renovations to the residential property in which the rental unit is located that
 - (i) could not have been foreseen under reasonable circumstances, and

- (ii) will not recur within a time period that is reasonable for the repair or renovation;
- (c) the landlord has incurred a financial loss from an extraordinary increase in the operating expenses of the residential property;
- (d) the landlord, acting reasonably, has incurred a financial loss for the financing costs of purchasing the residential property, if the financing costs could not have been foreseen under reasonable circumstances;
- (e) the landlord, as a tenant, has received an additional rent increase under this section for the same rental unit.

(2) If the landlord applies for an increase under paragraph (1)(b), (c), or (d), the landlord must make a single application to increase the rent for all rental units in the residential property by an equal percentage.

The grounds for an additional rent increase identified by the landlord in the application are as prescribed by section 23(1)(a) - "rent lower than comparable units".

The applicant acknowledged that they had not provided the tenant with the same evidence package advanced to the Branch. In addition, the parties were apprised of the evidentiary requirements of the applicant in respect to supporting their claim for an additional rent increase. On cursory review of the landlord's evidence it was highlighted to the parties that the landlord had not provided evidence to meet their onus in this matter so as to meet the test for 23(1)(a). As a result, the landlord's application for an additional rent increase is denied. The application **is dismissed**, with leave to reapply.

Analysis and Conclusion

The application **is dismissed**, with leave to reapply

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: May 14, 2012

Residential Tenancy Branch