



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Introduction

This hearing was convened upon the application of the landlord seeking an additional rent increase. Under the *Residential Tenancy Act* the landlord is able to apply a rent increase of 4.3% or \$33.97 per month raising the rent from \$790.00 to \$823.97. However, the landlord wishes to raise the rent to \$1,300.00 per month, an increase of 63% or \$500.00 per month.

All parties appeared at the hearing.

Summary of Background

The landlord applies for the additional rent increase on the ground that the rent of this rental unit is lower than comparable units or sites. The landlord supplied several pages of listings from Craigslist which she says shows that comparable units realize much more rent than this rental unit. Further, the landlord says the rent has always been low in exchange for work the tenant was supposed to do around the house which he is not doing. As a result the landlord has had to hire someone to maintain the lawn.

The tenant submits that he has been living in the rental unit for 8 years and that he has done numerous maintenance tasks around the house. The tenant supplied the original rental notice in which nothing was mentioned about yard maintenance and there is no written agreement that states he would be responsible for maintenance of the yard. However the tenant says he did regularly mow the lawn although the landlord has now hired lawn maintenance people to take care of the lawn. The tenant submitted that he would be willing to an increase equal to the cost of the lawn maintenance in the sum of \$200.00 but nothing more.

The landlord declined the tenant's offer.

Legislation

Amount of rent increase

43 (1) A landlord may impose a rent increase only up to the amount

- (a) calculated in accordance with the regulations,
- (b) ordered by the director on an application under subsection;
- or
- (c) agreed to by the tenant in writing

(2) A tenant may not make an application for dispute resolution to dispute a rent increase that complies with this Part.

(3) In the circumstances prescribed in the regulations, a landlord may request the director's approval of a rent increase in an amount that is greater than the amount calculated under the regulations referred to in subsection (1) (a) by making an application for dispute resolution.

Findings

The *Residential Tenancy Act* allows a landlord to apply to a Dispute Resolution Officer for approval of a rent increase in an amount that is greater than the basic Annual Rent Increase. The policy is to allow the landlord to apply for dispute resolution only in “extraordinary” situations. The Residential Tenancy Regulation sets out the limited grounds for such an application. In this case the landlord has applied under the ground that:

After the allowable 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;

While the landlord’s ground for the increase is that the rent for this property is significantly lower than similar units, except for several pages of Craigslist advertisements the landlord has provided little else to show how the rental units advertised are comparable to this rental unit and that this unit’s rent should be increased above that which is allowed under the Act.

The landlord’s application is therefore dismissed.

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: June 11, 2012.

Residential Tenancy Branch