



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OLC, O

Introduction

This hearing dealt with the Tenants' Application, requesting an order for the Landlord to comply with the *Residential Tenancy Act* (the "Act") and for other relief.

Only the Tenants and their Advocates appeared at the hearing. They gave affirmed testimony and were provided the opportunity to present their evidence orally and in written and documentary form, and to make submissions to me.

The Tenants testified they personally served an Agent for the Landlord with the Notice of Hearing and their Application. Service was witnessed by one of the Advocates for the Tenant present at the hearing. I find the Landlord was duly served with the Notice in accordance with the Act.

I have reviewed all oral and written evidence before me that met the requirements of the rules of procedure. However, only the evidence relevant to the issues and findings in this matter are described in this Decision.

Preliminary Issue

In regard to the other relief sought in their Application, the Tenants sought an order that the tenancy was under the jurisdiction of the Act. An *ex parte* hearing was conducted on June 6, 2012, and on June 7, a written Decision was issued. The June 7, 2012 Decision found that this tenancy was under the jurisdiction of the Act.

Issue(s) to be Decided

Has the Landlord not complied with the Act?

Background and Evidence

This tenancy began in March of 2012. The Tenants are currently paying a monthly rent of \$990.00.

On June 1, 2012, the Landlord gave the Tenants a letter stating the monthly rent was being raised to \$1,500.00 per month effective July 1, 2012, for a period of three months.

Analysis

Based on the above, the evidence and testimony, and on a balance of probabilities, I find the Landlord is not complying with the Act. The Landlord has illegally attempted to raise the rent.

I find and order that the Tenants are only required to pay the current rent of \$990.00, until the rent is raised in accordance with the Act.

I order the Landlord to comply with all portions of the Act and regulation.

The Landlord may issue rent increases once per year, but must do so only when the increase is done in accordance with the Act and regulations. For example, the Landlord must use the approved form to raise rent, must give the Tenants three months notice of the increase, and may only increase rent at the rate currently allowed by the Act and regulation. For 2012 the allowable rent increase is 4.3%. Here the Landlord has attempted to raise the rent by over 51%

If the Landlord has questions regarding the Act or regulation they may contact an Information Officer at the Branch, may use the website for the Branch or may use the guidebook I have enclosed for their information.

Conclusion

The Landlord has attempted to illegally raise the rent. The Tenants are only required to pay the current rent until the rent is raised in accordance with the Act and regulation.

The Landlord is ordered to comply with the Act and regulation.

This decision is final and binding on the parties, except as provided under the Act, and 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 26, 2012.

Residential Tenancy Branch