



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes DRI, OLC, LRE and FF

Introduction

This application was brought by the tenants on September 19, 2012 seeking to contest a rent increase, an order for landlord compliance with the legislation and rental agreement, conditions on the landlord's right to enter the rental unit and recovery of the filing fee for this proceeding.

Issue(s) to be Decided

This matter requires a decision on whether the rent has been lawfully increased and whether the tenant is entitled to the orders requested.

Background and Evidence

The tenancy began on February 6, 2011 with rent of \$1,000 per month and the landlord holds security and pet damage deposits of \$500 each paid at the beginning of the tenancy.

During the hearing, the parties gave evidence that a fundamental component of their disagreements arose when the female tenant's parents came to visit with her, her husband and three children. At some point during their visit, her husband suffered a serious workplace injury, and the guests stayed on to assist with care of the family while the female tenant worked to support them.

The landlord sought to implement a charge for the additional occupants as provided for in the rental agreement. I advised the parties that under section 40(a) of the *Act*, a charge for additional occupants is not considered a rent increase and is not limited by the percentage amount set by regulation for a standard annual rent increase.

The parties had also signed a Mutual Agreement to End Tenancy effective September 30, 2012 and the landlord requested an Order of Possession on that agreement. While section 55(1) of that *Act* authorizes the issuance of an Order of Possession if a tenant's application to set aside a Notice to End Tenancy is dismissed or the Notice is upheld, it does not authorize me to do so on a tenant's application for other matters.

Settlement Agreement

On discussing the issues in dispute, the parties arrived at the following settlement agreement:

1. The tenants will pay an additional \$100 rent per month for each of the two occupants, thereby raising the amount due to \$1,200 per month as long as the occupants remain;
2. The tenancy will end on January 31, 2013 and the landlord will be issued with an Order of Possession to take effect at 1 p.m. on that date. The parties understand and agree that the Order is binding and enforceable.

Conclusion

The landlord's copy of this decision is accompanied by an Order of Possession, enforceable through the Supreme Court of British Columbia, to take effect at 1 p.m. on January 31, 2013 for service on the tenants.

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: October 23, 2012.

Residential Tenancy Branch