



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Decision Codes: O & FF

Introduction

A hearing was conducted by conference call in the presence of both parties. On the basis of the solemnly affirmed evidence presented at that hearing, a decision has been reached. All of the evidence was carefully considered.

Both parties were given a full opportunity to present evidence and make submissions. Neither party requested an adjournment or a Summons to Testify. Prior to concluding the hearing both parties acknowledged they had presented all of the relevant evidence that they wished to present.

I find that the Application for Dispute Resolution/Notice of Hearing was sufficiently served on the Tenants by mailing, by registered mail to where the tenants reside. With respect to each of the applicant's claims I find as follows:

Issues to be Decided

The issues to be decided are as follows:

- a. Whether the landlord is entitled to an additional rent increase more than what is permitted by regulation and if so how much?
- b. Whether the landlord is entitled to recover the cost of the filing fee?

Background and Evidence:

The tenancy began on April 1, 2010 when the parties entered into a tenancy agreement that provided that the rent was \$1250 per month. The rental unit was new. There has been no rent increase since the start of the tenancy.

The landlord has applied for arbitration of a dispute in the tenancy at the above address and requests an order pursuant to section 43(3) of the Residential Tenancy Act for approval of a rent increase in an amount that is greater than the amount calculated under the regulations. The base rent is \$1250 per month. The landlord seeks to increase the rent by \$200 per month to \$1450.

DETERMINATION:

At the hearing the parties entered into a settlement in which the rent would be increased to \$1400 per month. Section 63(2) of the Residential Tenancy Act provides that if the parties settle their dispute the arbitrator may record the settlement in the form of a decision or order. As a result, given the agreement of the parties I order that the proposed rent increase for the rental unit of \$150 per month from \$1250 per month to \$1400 per month be approved. With this approval the landlord has liberty to serve a Notice of Rent Increase in this amount increasing the rent to \$1400 commencing September 1, 2013.

I dismissed any claim against the tenants for the cost of the filing fee as the tenant has agreed to the proposed rent increase.

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 07, 2013

Residential Tenancy Branch