



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes O

Introduction

This hearing dealt with the landlord's application pursuant to the *Residential Tenancy Act* (the *Act*) for:

- an application for an additional rent increase beyond the prescribed amount allowed under the *Regulation* established under the *Act*.

Both parties attended the hearing and were given a full opportunity to be heard, to present their sworn testimony, to make submissions and to cross-examine one another. The tenant confirmed that he received a copy of the landlord's dispute resolution hearing package sent by the landlord by registered mail on April 4, 2013. He said that he received a copy of this package after the landlord's initial attempt to send him this package proved unsuccessful when the tenant omitted retrieving the original hearing package sent by the landlord. I am satisfied that the tenant has been served with the landlord's hearing package in accordance with the *Act*.

Issues(s) to be Decided

Is the landlord entitled to an additional rent increase beyond the amount permitted by the *Regulation* established under the *Act*?

Background and Evidence

This fixed term tenancy commenced in January 2009. The parties have established a number of one-year fixed term tenancy agreements. Current monthly rent is set at \$1,700.00.

The permitted increase allowed under the *Regulation* for 2013 is 3.8%. The landlord maintained that he has incurred significant building envelope repair costs for this rental unit applied by the strata. He also asserted that he is receiving significantly less rent for this rental unit than is paid for similar rental units in the same geographic area as this rental unit. The landlord applied for an additional 8.0% increase in rent, totalling 11.8%, for a requested monthly rent of \$1,900.00.

Analysis

Pursuant to section 63 of the *Act*, the Arbitrator may assist the parties to settle their dispute and if the parties settle their dispute during the dispute resolution proceedings, the settlement may be recorded in the form of a decision or an order. During the hearing, the parties discussed the issues between them, engaged in a conversation, turned their minds to compromise and achieved a resolution of their dispute.

Both parties agreed to resolve their dispute based on the following final and binding terms:

1. Both parties agreed that the monthly rent for this rental unit as of July 1, 2013 will be set at \$1,800.00.
2. Both parties agreed to abide by the prescribed rent increases permitted under the *Regulation* established under the *Act* for 2014.
3. Both parties agreed that this settlement agreement constituted a final and binding resolution of all issues in dispute between them arising out of this tenancy.

Conclusion

In order to implement the terms of the settlement agreement reached by the parties at this hearing, I order that the monthly rent for this rental unit is set at \$1,800.00 as of July 1, 2013.

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 27, 2013

Residential Tenancy Branch

