



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding ATIRA PROPERTY MANAGEMENT
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes DRI, FF

Introduction

This hearing dealt with an Application for Dispute Resolution by the tenant to cancel a Notice of Rent Increase, issued on February 25, 2013 and to recover the cost of filing the application from the landlord.

Both parties appeared, gave testimony and were provided the opportunity to present their evidence orally and in written and documentary form, and to cross-examine the other party, and make submissions at the hearing.

Issues to be Decided

Should the Notice of Rent Increase, issued on February 25, 2013, be cancelled?
Is the tenant entitled to recover the cost of filing the application from the landlord?

Background and Evidence

The parties agreed that the tenant was served with a Notice of Rent Increase, issued on February 25, 2013. The parties agreed that the rent increase that was issued increased the rent by 10% effective August 1, 2013. Neither party has provided a copy of Notice of Rent increase for my review.

Analysis

Section 43 of the *Residential Tenancy Act* stipulates that a landlord may impose a rent increase only up to the amount calculated in accordance with the regulations.

Section 22 of the *Residential Tenancy Regulations* stipulates a landlord may impose a rent increase that is no greater than the percentage amount calculated as follows:
percentage amount = inflation rate + 2% and for 2013 the amount equals 3.8%.

In light of the above, I find that the Notice of Rent Increase, issued on February 25, 2013, does not comply with the *Residential Tenancy Act* and *Regulations* and hereby cancel the notice of rent increase.

As the tenant has been successful with their application the tenant is entitled to recover the cost of filing the application from the landlord. I authorize the tenant to deduct \$50.00 from July 2013, rent in full satisfaction of this claim.

Conclusion

I hereby Order that the Notice of Rent increase, issued on February 25, 2013, is cancelled, and has no force or effect.

The tenant is authorized to deduct the above amount from July 2013, rent in full satisfaction of this claim.

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 20, 2013

Residential Tenancy Branch