



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Vancouver Eviction Services
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes FF, OPC, CNC, DRI

Introduction

This decision deals with two applications for dispute resolution, one brought by the tenant, and one brought by the landlord(s); however at the beginning of the conference call the landlord's agent stated that they no longer wish to proceed with their application for dispute resolution, and therefore this hearing dealt solely with the tenants application for dispute resolution.

The tenant's application is a request to cancel a notice to end tenancy that was given for cause, and a request to dispute an additional rent increase; however at the beginning of the conference call the tenant stated that he has already vacated the rental unit, and therefore is no longer requesting an order cancelling the notice to end tenancy.

Some documentary evidence and written arguments have been submitted by the parties prior to the hearing. I have thoroughly reviewed all submissions.

I also gave the parties the opportunity to give their evidence orally and the parties were given the opportunity to ask questions of the other parties.

All testimony was taken under affirmation.

Issue(s) to be Decided

Has the tenant been paying an illegal rent increase?

Background and Evidence

The applicant testified that:

- Prior to September of 2012 the rental unit was heated by a hot water system; however in September 2012 it was removed and electric heaters were put in the rental unit.
- As a result his electricity bills increased substantially and although the landlord reduce the rent by \$25.00 this was nowhere near enough to cover the increased electricity costs.
- He therefore believes this is an illegal rent increase and the excess costs should be refunded.
- Further he was given notice of rent increase that increased the rent from \$850.00 to \$912.62 as of February 1, 2013; however that increase was based on a base rent of \$875.00, and not on the actual \$850.00 rent that was in place at the time that the notice of increase was given. He therefore believes that he has been given a second increase that was outside the amount allowed under the residential tenancy act.
- He is therefore requesting an order for a refund of all rent overpayments.

In response to the tenants claim the landlord's agent stated that she has no information with regard to these matters and had hoped that the actual landlord would attend the hearing. She therefore can give no information in response.

Analysis

It is my finding based on the undisputed information provided by the tenant, that the tenant has had an increase in utility bills totaling \$376.41 to the end of June 2013 and therefore since rent was only reduced by \$25.00 per month, this represents a total rent increase over and above the reduction of \$251.41.

It is also my finding that the tenant has shown that the increase that he started paying as of February 1, 2013 exceeded the allowable amount by \$5.32 per month and therefore since the tenant lived in the rental unit until the end of July 2013 he has overpaid the rent by \$31.92.

Therefore it's my finding that there has been a total rent overpayment of \$283.33 that the tenant has the right to recover from the landlord.

Conclusion

As stated above the landlord withdrew the landlord's application for dispute resolution, and therefore the decision and orders issued in the previous hearing, and later suspended under review, are now dismissed.

I have allowed \$283.33 of the tenants claim, and the remainder is dismissed without leave to reapply.

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: August 28, 2013

Residential Tenancy Branch

