



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 an application by the landlord seeking an order for an additional rent increase that is above and beyond the regulation. Both parties participated in the conference call hearing. Both parties gave affirmed evidence.

Issues to be Decided

Is the landlord entitled an additional rent increase above the regulation?

Background and Evidence

The tenancy began on or about April 27, 2007. Rent in the amount of \$450.00 is payable in advance on the first day of each month. At the outset of the tenancy the landlord collected from the tenant a security deposit in the amount of \$225.00.

The landlord gave the following testimony:

The landlord stated that the rent should be increased 50% to a new rate of \$675.00 per month. The landlord stated that the tenants have a good deal and that other comparable units in the area are over \$700.00.

The tenant gave the following testimony:

The tenant stated that she is open to an increase above the regulation but only if the landlord conducts emergency and necessary repairs. The tenant stated that the home is in such disrepair it's become dangerous. The tenant stated that she has had ongoing rat

issues, broken stairwells and lack of facilities. The tenant stated that until the repairs are conducted she is opposed to any rent increase above the regulation.

Analysis

The landlord is the applicant in this matter and as such bears the responsibility of proving his claim. The landlord submitted three advertisements from what he alleges are comparable units in the neighborhood. The landlord did not provide sufficient evidence to prove the subject unit was of comparable size, age, available amenities, location, sense of community, view property and accessibility to transit and shopping locations. The landlord did not dispute the tenants' claim that the property required repairs and that it has become run down. In addition the landlord was unable to provide an explanation as to why he had not imposed any rent increases during the term of this tenancy and why he now chooses to seek a 50% increase. Based on all of the above I am not satisfied with the insufficient evidence before me and as a result I dismiss the landlords' application for an additional rent increase above the present regulation.

Conclusion

The landlords' application is dismissed in its entirety.

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: September 04, 2013

Residential Tenancy Branch

