



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding 523498 B.C. Ltd.  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      ARI

### Introduction

This hearing dealt with an application by the landlord for an additional rent increase. An agent for the landlord and the tenant participated in the teleconference hearing. Both parties gave affirmed evidence.

### Issues to be Decided

Is the landlord entitled to an increase above the regulation?

### Background and Evidence

The tenancy began on or about March 1, 1989. Rent in the amount of \$649.58 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 \$287.50.

The landlord gave the following testimony:

The landlord stated that the tenants unit is far below market value and seeks a 59.15% increase. The landlord stated that \$140.00 of that increase is related to a rent reduction the tenant received when she was the previous caretaker of the building. The landlord stated that \$140.00 reduction has been ongoing even though the subject tenant is no longer an employee. The landlord stated that other comparable units in the building are

rented for \$1050.00 - \$1075.00 per month. The landlord stated the previous management company was lacking in carrying out their duties in issuing any rental increases. The landlord stated that the owners purchased the building in 2005 but only started issuing increases in 2012.

The tenant gave the following testimony:

The tenant stated that she adamantly disputes the claims as made by the landlord. The tenant stated that she had given up her two bedroom apartment and took a much smaller one bedroom apartment to offset the \$140.00 when her employment ended. The tenant stated that the landlords should not be entitled to anything above the regulation.

### Analysis

In considering all of the evidence I find that the landlord has not been successful in his application. The landlords' application fails for the following reasons: firstly, the landlord made mention of reducing a \$140.00 benefit to the tenant when she was an employee; that is not an issue to be dealt with in an application for additional rent increase. Secondly, the landlord is relying on several similar units that are paying a higher price. The landlord provided no information as to the length of those tenancies and whether those units were similar or superior to the subject unit.

A unit rented at today's rate may not be easily compared to a tenant living in a building since 1989. Thirdly, the landlord stated the owners completed a two million dollar renovation, by the landlords own testimony he stated the building was in poor condition. The landlord did not provide any information as to whether the subject unit was upgraded. In the landlords own testimony he acknowledged that the previous management company had not imposed any rental increases that they were entitled to do in accordance with the regulations, from 2005-2012 thus resulting in many units "falling behind the others".

Based on all of the above and on the balance of probabilities the landlords I dismiss the landlords' application seeking an additional rent increase above the regulation.

Conclusion

The landlords' application is dismissed.

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: December 09, 2013

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Residential Tenancy Branch

