



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes ARI

Introduction

This hearing dealt with an application by the landlord for an order approving a rent increase greater than the amount permitted by section 22 of Residential Tenancy Regulation. The tenant did not attend the hearing despite being served with the hearing documents by way of registered mail sent on December 5, 2013. The landlord testified that the tenant signed for the registered mail package on December 11, 2013.

Issue(s) to be Decided

Is the landlord entitled to the requested order?

Background & Evidence

This tenancy began on November 1, 2012. The rent is currently \$500 per month. The residential property is comprised of ten units: eight 2-bedrooms and two 3-bedrooms. The subject rental unit is one of the 2-bedrooms.

All of the 2-bedroom units in the building are currently being rented out for \$775 per month while the subject unit remains at \$500. The landlord testified that the rental unit is no different from the other 2-bedrooms but that the rent had been set at a lower rate for this unit due to the previous landlord's relationship to the tenant.

The current landlord purchased this building on October 1, 2013 and noted that there was a large difference between the rent for Unit 302 and the other 2-bedrooms. The landlord wishes through this application to bring the rent for Unit 302 into line with the others.

In addition to the landlord's testimony as to the rents for the other 2-bedrooms in the building, the landlord supplied a copy of the CMHC Rental Market Report for the

Penticton. This Report shows that the average rent for 2 bedroom units in Penticton as of April 2013 were \$789.

Analysis

The landlord seeks an additional rent increase in accordance with section 23(1)(a) of the Regulation. Specifically, the landlord claims that after the rent increase allowed under section 22, the rent is significantly lower than the rents for other similar units in the same residential property. The landlord wishes to raise the rent to \$775 from \$500.

The landlord has provided testimony and supporting information showing rents for 2-bedroom units that are comparable to this one. On the basis of that information and in the absence of any contradictory information from the tenant, I find that the landlord has provided sufficient evidence in support of **a total rent increase in the amount of \$275.**

Conclusion

Pursuant to section 69 of the Residential Tenancy Act I hereby order that the rent for Unit #302 may be increased to \$775.00. The landlord may give a notice of rent increase for this amount.

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: January 27, 2014

Residential Tenancy Branch

