



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Red Door Housing Society
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes

ARI

Introduction

This hearing was convened in response to the Landlord's application for an additional rent increase. The Landlord applied to increase the rent of 30 rental units in excess of the annual rent increase permitted by the legislation, which impacts 50 tenants.

The Landlord applied for a variety of increases for 2014, which range from 1.2% to 18.3%. The Landlord is seeking to raise the rent of a two bedroom unit to \$1,401.00 in 2014, which is an increase of between \$17.00 and \$216.00. The Landlord is seeking to raise the rent of a three bedroom unit to \$1,638.00 in 2014, which is an increase of between \$96.00 and \$203.00. The Landlord is seeking to raise the rent of a four bedroom unit to \$1,918.00 in 2014, which is an increase of between \$216.00 and \$297.00.

The Landlord has made this application, in part, because the Landlord has incurred a financial loss from an extraordinary increase in the operating expenses of the residential property and, in part, because the rent for the rental units is significantly lower than the rent payable for other similar rental units in the same geographical area.

This hearing was convened on March 06, 2104. As outlined in my preliminary decision, I determined that any party not in attendance at the hearing on March 06, 2014 had been properly notified of the hearing and I proceeded in their absence. The hearing on March 06, 2014 was adjourned as there was insufficient time to consider the Landlord's Application for Dispute Resolution.

The hearing was reconvened on June 04, 2014.

As outlined in my preliminary decision, I determined that the evidence submitted to the Residential Tenancy Branch by the parties has been properly served on the other party and it was accepted as evidence for these proceedings. The only issue of concern with the evidence was the evidence submitted to the Landlord by the occupant of unit 904. At the reconvened hearing the Agent for the Landlord stated that this evidence has now been received by the Landlord and it was accepted as evidence for these proceedings.

The parties were provided with the opportunity to present relevant oral evidence, to ask relevant questions, and to make relevant submissions. Several Tenants were represented by legal counsel.

Preliminary Matters

As outlined in my preliminary decision, the Application for an Additional Rent Increase has been amended to correct the spelling of some of the Tenants' names. The spelling of the names on this decision reflects the spelling of the names as provided by the Tenants at the hearing.

As outlined in my preliminary decision, the Application for an Additional Rent Increase has been amended by removing the names of four Tenants, who are no longer residing in the rental unit.

Section 23(2) of the *Residential Tenancy Regulation* stipulates that when a landlord applies for an increase because the landlord has incurred a financial loss from an extraordinary increase in the operating expenses of the residential property, the landlord must make a single application to increase the rent for all units in the residential property by an equal percentage.

As outlined in my preliminary decision, the Landlord has not applied to increase all of the affected units by an equal percentage, and I cannot consider the Landlord's application for a rent increase on the basis of the financial loss. The Landlord opted to withdraw the application for a rent increase on the basis of the financial loss and to proceed with the application for a rent increase on the basis that the rent for the rental units is significantly lower than the rent payable for other similar rental units in the same geographical area.

Additional rent increases are generally awarded for single calendar years and that the Landlord has applied for additional rent increases for 2014, 2015, 2016, and 2017. In my interim decision I suggested that the Landlord may wish to withdraw this Application for an Additional Rent Increase and to file a new Application for an Additional Rent Increase, in which the Landlord requested one single increase and that the increase be phased in over a period of time, in accordance with section 23(4)(c) of the *Residential Tenancy Regulation*.

Issue(s) to be Decided

Should the Landlord be permitted to increase the rent for 30 rental units in this residential complex in an amount that exceeds the annual increase permitted for 2014?

Background and Evidence

After both parties had presented oral evidence at the hearing on June 04, 2014, it became apparent that the Landlord had not served the Tenants with an identical copy of the evidence package that was submitted to the Residential Tenancy Branch. The Agent for the Landlord stated that some of the documents that have not been served to the Tenants are highly relevant to this matter.

After discussing the possibility of adjourning this hearing to provide the Landlord with the opportunity to serve additional documents to the Tenants, which I indicated I was inclined to do, the Landlord opted to withdraw this application for an additional rent increase.

Analysis

I find that the Landlord has withdrawn this application for an additional rent increase.

Conclusion

As I have not made any decisions on the merit of the application for additional rent, the Landlord retains the right to file another application for an additional rent increase.

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 05, 2014

Residential Tenancy Branch

