



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes DRI

Introduction

This hearing dealt with the tenant's application to dispute a rent increase. The tenant, an advocate for the tenant and the landlord participated in the teleconference hearing.

Neither party raised any issues regarding service of the application or the evidence. Both parties were given full opportunity to give testimony and present their evidence. I have reviewed all testimony and other evidence. However, in this decision I only describe the evidence relevant to the issues and findings in this matter.

Issue(s) to be Decided

Did the landlord properly increase the rent as required under sections 42 and 43 of the Act?

Background and Evidence

The tenancy began on December 1, 2010, with monthly rent of \$500.

The landlord stated that on June 2, 2014 he served the tenant with a notice of rent increase that would increase the rent from \$500 to \$511, effective June 1, 2014.

In the hearing the parties agreed that the increase was in compliance with the maximum allowable increase of 2.2 percent for 2014. The parties also agreed that the tenant had paid \$511 in rent for both August and September 2014.

The parties disputed the when the increase should take effect, but the tenant ultimately agreed that he would begin paying the increase on October 1, 2014.

Analysis

Under section 42 of the Act, a notice of rent increase must be given to the tenant at least three months before the increase is to take effect. If the notice does not meet these requirements, it will take effect on the earliest date that does comply.

In this case, if the landlord served the tenant with notice of the rent increase in June 2014, and the notice was in the approved form and for an amount within the maximum allowable amount, the earliest date that the increase could take effect is October 1, 2014. As the tenant agreed in the hearing to this date, I find that the rent will increase from \$500 to \$511 beginning October 1, 2014.

As the tenant overpaid his rent by \$11 in each of the two months of August and September 2014, the tenant may make deduct \$22 from his rent for October 2014. Each month hereafter, the tenant will pay rent of \$511.

Conclusion

The rent will increase from \$500 to \$511 beginning October 1, 2014.

The tenant may make a one-time deduction of \$22 from his rent for October 2014, for a total payment of \$489.

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 11, 2014

Residential Tenancy Branch

