



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding 347003 BC Ltd.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes CNL, MNR, MNDC

Introduction

This hearing dealt with an application by the tenants for an order setting aside a notice to end this tenancy and a monetary order. Both parties participated in the conference call hearing with the tenant E.C. representing both tenants and S.C. representing the corporate landlord.

At the hearing, the tenant advised that they intended to vacate the rental unit on November 1, 2014. As the tenancy will be ending, I consider the claim for an order setting aside the notice to end tenancy to have been withdrawn.

Issue to be Decided

Are the tenants entitled to a monetary order as claimed?

Background and Evidence

The parties agreed that the tenancy began on August 1, 1998 at which time rent was set at \$1,300.00 per month. They further agreed that in August 2010 the landlord raised the rent to \$1,400.00 per month without giving the tenants notice pursuant to the Act and that the rent was raised to \$1,500.00 per month in August 2011 again without notice. The landlord claimed that the tenants offered to pay extra money while the tenants denied that claim. The tenants seek to recover 24 months of \$100.00 rent overpayments.

The tenants also claim \$2,000.00 as the cost of plumbing repairs performed in 2008. At the hearing, the parties agreed that the landlord would compensate the tenants by not cashing their rent cheque for September 2014. The landlord will return that cheque to the tenants.

Analysis

Part 3 of the *Residential Tenancy Act* prohibits landlords from raising rent without serving tenants with a notice in the approved form and giving at least 3 months' notice. The landlord has contravened this section of the Act twice and has obtained a rent increase illegally. The tenants have limited their claim to recovering \$2,400.00 of that rental overpayment and I find they are entitled to that recovery. I grant the tenants a monetary order under section 67 for \$2,400.00. This order may be filed in the Small Claims Division of the Provincial Court and enforced as an order of that Court.

Conclusion

The tenants are granted a monetary order for \$2,400.00. The landlord will not negotiate the tenants' rent cheque for September 2014.

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: October 29, 2014

Residential Tenancy Branch

