



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes DRI, MNDC, FF, O

Introduction

This hearing convened as a result of a Tenant's Application for Dispute Resolution wherein he disputed an additional rent increase, sought a Monetary Order for compensation for loss under the Act as it related to the previous rent increases, and to recover the filing fee.

The Tenant attended at the hearing, as did the Landlord who was assisted by an advocate, E.A.

The hearing process was explained and the participants were asked if they had any questions. Both parties were provided the opportunity to present their evidence orally and in written and documentary form, and to cross-examine the other party, and make submissions to me.

During the hearing the parties reached a comprehensive settlement. The Terms of the parties settlement is as follows:

1. commencing June 1, 2015, the monthly rent payable by the Tenant to the Landlord shall be \$1,596.43 payable on or before the 1st of the month;
2. pursuant to section 43(5), and on or before June 25, 2015, the Landlord shall pay to the Tenant the sum of \$14,835.36 representing recovery of the amounts the Tenant paid in excess of the amounts permitted under Part 3 of the *Act* for the years 2006, 2007, 2008, 2009 and 2011;
3. the Notice of Rent Increase issued March 30, 2015 shall be of no force and effect;

4. the Landlord is at liberty to deliver a new Notice of Rent Increase effective September 1, 2015, provided that the Notice complies with Part 3 of the *Act*; and
5. the Tenant shall not recover the fee paid to file their application.

Pursuant to section 63 of the *Residential Tenancy Act*, I record the parties' agreement in this my decision as well as granting the Tenant a Monetary Order in the amount of \$14,835.36. The Monetary Order may be filed in the Provincial Court (Small Claims) and enforced as an order of that Court.

Conclusion

The parties reached a comprehensive settlement whereby the Notice of Rent Increase issued March 30, 2015 is of no force and effect; rent paid is to decrease to \$1,596.43; and, the Landlord is to pay the Tenant a one-time lump sum payment in the amount of \$14,835.36 as reimbursement for rent collected in excess of the amounts permitted by the *Act*. The Tenant is granted a Monetary Order for this sum.

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: May 25, 2015

Residential Tenancy Branch

