



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OLC, FF

Introduction

This hearing dealt with an application by the tenant seeking to have the landlord comply with the Act, regulation or tenancy agreement. Both parties attended the hearing and were given full opportunity to present evidence and make submissions. The parties acknowledged receipt of evidence submitted by the other and gave affirmed testimony.

Issue to be Decided

Is the tenant entitled to an order to have the landlord comply with the Act, regulation or tenancy agreement?

Background, Evidence

The tenant's testimony is as follows. The tenancy began on June 1, 2009 and is ongoing. The tenant is obligated to pay \$1150.00 per month in rent in advance and at the outset of the tenancy the tenants paid a \$575.00 security deposit. The tenant stated that the landlord wishes to increase the rent from \$1150.00 to \$1600.00 per month. The tenant stated that this increase is not in accordance with the regulations of the allowable 2.5% for 2015. The tenant stated that landlord gave her verbal notice of the increase.

The landlords' testimony is as follows. The landlord stated that the tenant has not received an increase since she moved in and that the amount she's seeking is reasonable. The landlord stated that the \$1600.00 would also include utilities.

Analysis

The landlord acknowledged and conceded that she did not issue a Notice of Rent Increase as required.

For the benefit of both parties I have included the Residential Tenancy Policy Guidelines regarding rent increases, it is as follows;

The Legislation permits a landlord to impose a rent increase up to the amount

- (a) calculated in accordance with the regulations, or
- (b) ordered by an arbitrator on application.

A tenant's rent cannot be increased unless the tenant has been given proper notice in the approved form at least 3 months before the increase is to take effect.

The tenant's rent can only be increased once every 12 months. A rent increase that falls within the limit permitted by the applicable Regulation cannot be disputed at a dispute resolution proceeding.

As there is no notice to dispute and that no formal order is required, I decline to award the tenant the recovery of the filing fee and she must bear that cost.

Conclusion

The tenants' application is dismissed.

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: November 03, 2015

Residential Tenancy Branch

