



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes DRI OLC FF

Introduction

This hearing was convened as a result of the tenants' application for dispute resolution under the *Manufactured Home Park Tenancy Act* (the "*Act*"). The tenants applied to dispute a rent increase that does not comply with an increase permitted by the *Manufactured Home Park Tenancy Act Regulation* (the "*Regulation*"), for an order directing the landlord to comply with the *Act*, *Regulation* or tenancy agreement and to recover the cost of the filing fee.

The tenants, the landlord and an agent for the landlord (the "agent") attended the teleconference hearing. The tenants gave affirmed testimony and were provided the opportunity to present any documentary evidence that was submitted in accordance with the Rules of Procedure.

The landlord confirmed having received and reviewed the tenants' documentary evidence in advance of the hearing. The landlord also confirmed that he did not submit any documentary evidence in response to the tenants' application. I find the landlord was served in accordance with the *Act* as a result.

Issues to be Decided

- Have the tenants provided sufficient evidence to prove that a rent increase was not issued in accordance with the *Regulation*?
- Have the tenants provided sufficient evidence to support that the landlord should be ordered to comply with the *Act*, *Regulation* or tenancy agreement?
- Are the tenants entitled to the recovery of the cost of their filing fee under the *Act*?

Background and Evidence

A copy of the notice of rent increase was submitted in evidence and is undated and unsigned, which the parties confirmed during the hearing. The agent for the landlord testified under oath that this was the first notice of rent increase that she has done and now realizes that the document was not correctly filled out before it was served on the tenants.

The tenants stated that expect a notice of rent increase to be completed in accordance with the *Act* and *Regulation* as it has been done in previous years during the tenancy. The tenants also testified that under section 2 on page 3 of the notice of rent increase, the landlord did not include any copies of bills or assessment notices, which the form reminds the landlord to do. The agent confirmed that she did not include copies of bills or assessment notices when the notice of rent increase was served on the tenants.

The undated and unsigned notice of rent increase indicates that monthly site rent of \$274.00 will increase as of October 1, 2015 by \$27.00 to \$301.00.

Analysis

Based on the above, the testimony of the parties and the tenants' documentary evidence, and on a balance of probabilities, I find as follows.

I find the undated and unsigned notice of rent increase is invalid for several reasons including the fact it was not dated or signed by the landlord, and failed to include attached copies of bills or assessment notices to support the notice of rent increase. As a result, I find that the landlord has not issued a valid notice of rent increase as of the date of this hearing, and as a result, that current site rent remains **\$274.00 per month**.

I ORDER the landlord to ensure that all future notices of rent increase comply with the *Act* and *Regulation*.

As the tenants' application has merit, I grant the tenants the recovery of their **\$50.00** filing fee. **I authorize** the tenants to deduct \$50.00 from their site rent on a one-time basis in full satisfaction of the recovery of the cost of their filing fee.

Conclusion

The tenants' application is successful.

The tenants have been ordered to deduct \$50.00 from a future month's site rent on a one-time basis in full satisfaction of the recovery of the tenants' filing fee.

This decision is final and binding on the parties, unless otherwise provided under the Act, and is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the *Manufactured Home Park Tenancy Act*.

Dated: December 18, 2015

Residential Tenancy Branch

