



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      RI

### Introduction

This was a hearing with respect to the landlord's application for an additional rent increase. The hearing was conducted by conference call. The landlord and the tenant called in and participated in the hearing.

### Issue(s) to be Decided

Should an additional rent increase be granted to the landlord and, if so, on what terms?

### Background and Evidence

The rental unit is an apartment located above a commercial rental property. The landlord has applied for an additional rent increase, exceeding the annual amount permitted by the *Residential Tenancy Act* and Regulation on the ground that the rent for the unit is significantly lower than the rent paid for other rental units similar to and in the same geographic area as the rental unit.

The landlord submitted documentary evidence consisting of advertisements for rental properties that the landlord considered to be comparable to the rental unit. The landlord submitted that the advertisements refer to comparable properties and support his position that the rent for the unit is significantly lower than the rent for the units shown in the documents he submitted.

The landlord acknowledged at the hearing that he did not serve the tenant with copies of his documentary evidence. The landlord said that he was not instructed to give the documents to the tenant and was only told to serve her with the application for an additional rent increase and the Notice of Hearing.

The tenant has not submitted evidence in response to the landlord's application. She said she disagrees with the claim for a rent increase and has received some verbal information contradicting the landlord's claim that the rent for her unit is significantly lower than comparable units.

### Analysis

The landlord did not provide his documentary evidence to the tenant. Although he claimed that he was not instructed by the Residential Tenancy Branch to do so, the Notice of Hearing and information sheets given to him when he filed his application clearly stated that the applicant must give his evidence to the other party and to the Residential Tenancy Branch before the hearing.

It is a basic principle of natural justice; the rules of fairness that apply to these proceedings, that the other party to a dispute is entitled to know the facts and evidence that the other side relies upon and that they be given an opportunity to respond to that evidence.

Because the tenant was not given copies of the landlord's evidence, this application is dismissed with leave to reapply. In the event that the landlord reapplies, it will be up to the tenant to submit to the Residential Tenancy Branch and provide copies to the landlord of any evidence that she wishes to rely upon to rebut the landlord's evidence as to comparable rents for similar properties.

### Conclusion

The landlord's application is dismissed with leave to reapply.

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: January 27, 2016

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Residential Tenancy Branch

