



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: DRI ERP RR FF

Introduction

Only the landlord/respondent attended the hearing. She said the tenant had served the Application for Dispute Resolution on her but had changed the date to April 29, 2016. However, she went to the Residential Tenancy Branch on another file and was informed of the hearing today. The tenant is applying pursuant to the *Residential Tenancy Act* (the Act) for orders as follows:

- a) To find her 2016 rent increase did not comply with the Act and to obtain an Order for a rebate of rent to recover the illegal increase in rent pursuant to section 43(5);
- b) To order the landlord to do necessary and emergency repairs to the unit and her keys and fobs; and
- c) To recover the filing fee for this application.

Issue(s) to be Decided:

Has the tenant proved on the balance of probabilities that there was an increase in her rent that did not comply with the Act and that she is entitled to a rebate for the excess paid and to recover the filing fee? Has she proved repairs are necessary?

Background and Evidence

Only the landlord attended the hearing and was given opportunity to be heard, to present evidence and make submissions. The landlord said the tenant had not paid rent and she had served a 10 Notice to End Tenancy. The tenant vacated on April 25, 2016. She said she had never increased the tenant's rent and it remained as stated in the tenancy agreement but the tenant did not pay her rent for 3 months. She said the amount the tenant is disputing was not an increase in rent. It was a \$250 move-in fee charged by the Strata. The Strata found her secretly moving in and charged the landlord the \$250. The landlord had a previous hearing and was given a monetary order for unpaid rent.

No documentary evidence was submitted. On the basis of the documentary and solemnly sworn evidence presented at the hearing, a decision has been reached.

Analysis:

I find the preponderance of the evidence is that there was no rent increase. As the tenant has vacated and provided no evidence of repairs not being done by the landlord, I find insufficient evidence to support her allegations. I find the disputed \$250 was for a move-in fee which she did not pay and for which, the Strata charged the landlord. I dismiss the application of the tenant.

Conclusion:

I dismiss the Application of the tenant in its entirety without leave to reapply. Her filing fee was waived.

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: April 27, 2016

Residential Tenancy Branch