



## **Dispute Resolution Services**

Residential Tenancy Branch  
Office of Housing and Construction Standards



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## **DECISION**

Dispute Codes: DRI RR LRE MNSD FF

### **Introduction**

Only the tenant attended and gave sworn testimony that he served the landlord with the Application for Dispute Resolution with a witness. The tenant applies pursuant to the *Residential Tenancy Act* (the Act) for orders as follows:

- a) To find their 2015 and 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 recover the overpaid security deposit charged contrary to section 19 of the Act;
- c) To order the landlord to comply with section 29 of the Act in their entry into the unit; and
- d) 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 his rent that did not comply with the Act and that he is entitled to a rebate for the excess paid and to recover the filing fee?

### **Background and Evidence**

Only the tenant attended the hearing. He said that the landlord had decided to resolve the matter when he got the Residential Tenancy Branch involved. The landlord is now abiding by section 43 of the Act and only increasing the rent to the legal limit.

He said she also refunded the overpaid rent and security deposit to them so the matter is resolved.

**Analysis:**

In section 43, the *Residential Tenancy Act* provides that an increase in rent may only be imposed up to the amount calculated in accordance with the Regulations. The amount for 2015 was 2.5% and the amount for 2016 is 2.9%. Based on the evidence provided by the tenant, I find the landlord is now in compliance with the Act. I find she has also refunded the overpaid security deposit.

**Conclusion:**

I dismiss the Application of the tenant as he is satisfied with the resolution by the landlord. He did not request his filing fee so none is awarded as he has settled this matter.

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: July 28, 2016

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Residential Tenancy Branch

