



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: DRI, LRE

Introduction

This hearing dealt with an application by the tenant to dispute a rent increase and to suspend or set conditions on the landlord's right to enter the rental unit. Both parties attended the hearing and had opportunity to be heard. The parties acknowledged receipt of evidence submitted by the other and gave affirmed testimony.

Issue to be Decided

Is the amount of the rent increase in keeping with Legislation? Was the tenant notified of the rent increase in a timely manner and in the proper format?

Background and Evidence

The tenancy began on January 10, 2016. The tenant rents a room in the basement of the home and shares the bathroom with the other occupants of the basement. The landlord rents the entire house from the owner and lives upstairs. The monthly rent is \$500.00. There is no written tenancy agreement.

The tenant stated that the landlord asked her to pay an additional \$100.00 per month and the tenant refused to do so. The tenant agreed that she paid rent for July after the date it was due and as of the date of the hearing, August 25, 2016, she had not paid rent for August. The tenant stated that she did not receive a formal notice of the rent increase.

The tenant testified that laundry was included in the rent and the landlord argued that it was not. The tenant stated that when she applied to set conditions on the landlord's entry into the rental unit, she actually meant that she wanted the landlord to allow her access to use the laundry in the house.

Analysis

Sections 42 and 43 address the timing, notice and amount of rent increases permitted by Legislation

Timing and notice of rent increases

42 (1) A landlord must not impose a rent increase for at least 12 months after whichever of the following applies:

(a) if the tenant's rent has not previously been increased, the date on which the tenant's rent was first established under the tenancy agreement;

(b) if the tenant's rent has previously been increased, the effective date of the last rent increase made in accordance with this Act.

(2) A landlord must give a tenant notice of a rent increase at least 3 months before the effective date of the increase.

(3) A notice of a rent increase must be in the approved form.

(4) If a landlord's notice of a rent increase does not comply with subsections (1) and (2), the notice takes effect on the earliest date that does comply.

Amount of rent increase

43 (1) A landlord may impose a rent increase only up to the amount

(a) calculated in accordance with the regulations,

(b) ordered by the director on an application under subsection (3), or

(c) agreed to by the tenant in writing.

(2) A tenant may not make an application for dispute resolution to dispute a rent increase that complies with this Part.

The allowable percentage rent increase for each calendar year is calculated according to the inflation rate. The rate for the year 2016 is 2.9%.

Based on the above, I find that by providing a verbal rent increase of \$100.00 after three months of tenancy, as alleged by the tenant, the landlord did not comply with the timing and notice of a rent increase and was therefore not in compliance with section 42 and 43 of the *Residential Tenancy Act*

Regarding the tenant's application to order the landlord to grant the tenant access to the laundry, I find that in the absence of a written agreement, I am unable to determine whether the use of laundry was included in the rent.

Based on the above, I find that the tenant was not served with a notice of rent increase and therefore may not dispute it. I further find that the tenant has not proven that the use of laundry was included in the rent and therefore I will not order the landlord to grant the tenant access to the laundry.

Conclusion

The tenant's application is dismissed in its entirety.

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: August 25, 2016

Residential Tenancy Branch