



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes DRI, OLC

Introduction

The tenant seeks to have a rent increase set aside arguing that her landlord could not lawfully impose one after only six months of tenancy.

The landlord did not attend the hearing within ten minutes after its scheduled start time or file material in opposition to the application.

The tenant shows that the landlord was served with the application and notice of hearing by registered mail (Canada Post tracking number shown on cover page of this decision). Canada Post records show that the mail was sent September 10, 2016 and was successfully delivered on September 20.

On this evidence I find that the landlord was duly served. By his non-attendance I conclude that the tenant's application is unopposed.

Section 35 of the *Manufactured Home Park Tenancy Act* (the "Act") prohibits a landlord from imposing a rent increase in the first twelve months of a tenancy. This tenancy started January 1, 2016 and so the landlord's attempt to impose a \$25.00 increase is contrary to s. 35 of the *Act*.

Section 35 also provides that any notice of rent increase must be in the approved form and that if a rent increase is imposed too early then it takes effect on the earliest date that complies with s. 35.

It is not clear that the rent increase in this case was in the approved form or not and so I refrain from directing that the rent increase will take effect after the expiry of twelve months from January 1, 2016.

In result, the tenant's application is allowed.

The tenant has inserted a dollar figure in her application but no monetary claim was advanced.

There is no claim for recovery of any filing fee.

This decision 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: November 01, 2016

Residential Tenancy Branch