



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes ARI

Introduction

This hearing dealt with an application by the landlord, pursuant to Section 43 of the *Residential Tenancy Act*, for approval of a rent increase greater than the amount calculated under the regulations.

The landlord made application on April 23, 2016 and named a total of nine tenants as respondents. During the hearing the landlord informed me that five of the tenants have come forward and accepted a negotiated proposal from the landlord. The landlord requested that these tenants' names be removed from this application. Accordingly, this hearing only dealt with an additional rent increase to the rent of the remaining four tenants and these tenants are named as respondents on the landlord's application.

Issues to be Decided

Should the landlord be entitled to raise rent in an amount that is greater than what is set out in the *Regulations*? Has the landlord served the tenant with a copy of the evidence that he intends to rely on, at the hearing?

Background and Evidence

The landlord applied for an additional rent increase on April 23, 2016. He stated that he had served all the tenants with a notice of hearing. However he agreed that he did not serve the tenants with a copy of his evidence.

Analysis

Rule 3 of the *Residential Tenancy Branch Rules of Procedure* addresses how to serve the application and the applicant's evidence. Rule 3.1 (d) states that together with a copy of the application for dispute resolution, the applicant must serve each respondent with copies of any evidence accepted by the Residential Tenancy Branch with the application or that is available to be served.

The purpose of serving evidence to the respondent is to notify the person being served of matters relating to arbitration. The landlord agreed that he had not served a copy of his evidence on the tenants.

Based on the testimony of both parties, I find that the tenants were not served with a copy of the landlord's evidence.

For the above reasons, I am dismissing the landlord's application with leave to reapply.

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: November 04, 2016

Residential Tenancy Branch