



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes:

DRI

Introduction

This hearing was scheduled in response to the tenants' application for dispute resolution, in which the tenants have disputed an additional rent increase.

Both parties were present at the hearing. At the start of the hearing I introduced myself and the participants. The hearing process was explained. Evidence was reviewed. The tenants did not make a written submission. The landlord submitted a copy of the tenancy agreement and several notes; the tenants did not receive that evidence.

The parties were provided with an opportunity to ask questions about the hearing process and to make submission during the hearing.

Issue(s) to be Decided

Has the landlord imposed a rent increase that is additional to that allowed?

Background and Evidence

The parties confirmed that they signed a fixed term tenancy that commenced on May 1, 2016, ending effective October 31, 2016. At the end of the term the tenants were required to vacate, which the tenants did.

The tenants applied regarding an additional rent increase as they wished to sign another tenancy agreement with the landlord but the landlord was going to increase the rent well beyond the allowable annual sum.

It was explained that when the parties had signed a contract that ended effective October 31, 2016, requiring vacant possession for the landlord, there was no method of compelling the landlord to offer rent in a new contract as if the first tenancy had not ended. When one contract ends and another begins, the terms are not transferrable and the rent increase provisions provided by the Act do not apply. If the parties had signed another tenancy agreement the term regarding rent payable would not be impacted by the sum that had previously been paid under a separate contract.

Therefore, as the landlord has not imposed a rent increase I find that the application is dismissed.

Conclusion

The application is dismissed.

This decision is final and binding and 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: December 15, 2016

Residential Tenancy Branch