



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Hisan Invest Company Ltd
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes DRI, FF

Introduction

This hearing dealt with the tenant's Application for Dispute Resolution seeking to dispute a rent increase.

The hearing was conducted via teleconference and was attended by the tenant and two agents for the landlord.

Based on the tenant's Application for Dispute Resolution and her written submissions that had been submitted prior to the hearing, it was unclear to me if the tenant was intending to dispute the rent amount she has been charged from the start of her tenancy or a recent Notice of Rent Increase that she had received or both.

At the outset of the hearing, I sought clarification from the tenant. The tenant initially discussed the issue of her rent amount from the start of the tenancy. The tenant submitted that when she purchased the manufactured home the landlord was supposed to have assigned the existing tenancy agreement with rent \$265.00 instead of the \$400.00 per month she has been charged.

The tenant referred to her contract to purchase between the tenant and the former owner of the manufactured home (ie. Former tenant), not submitted as evidence, that states that the rent of \$265.00 was to be assigned to the tenant.

Based on the discussion between the tenant and myself I have determined the tenant was not prepared to proceed with any issues related to how much rent she should have been paying from the start of her tenancy. Rather, I find the tenant was using the hearing process to seek information regarding how to deal with the issue of rent since her tenancy started.

The tenant then referred to the Notice of Rent Increase dated December 17, 2016 imposing a new rent effective April 1, 2017 increasing the tenant's current rent by \$16.50 per month. The rent increase is based on the annual allowable rate increase plus the allowable proportionate increase in local government levies and utilities for the common property.

The tenant questioned whether or not the landlord was able to pass through taxes on other parts of the property that were not manufactured home park sites such as another rental property used by the park manager and an empty lot. The tenant became frustrated and did not believe I understood the questions she was asking and despite repeated attempts to clarify the questions and answers I don't believe the tenant ever did understand my answers. The tenant left the conference call hearing, unexpectedly and did not call back in.

Again, based on this discussion I find the tenant was not prepared to present a claim to this hearing regarding her dispute with the landlord's ability to pass through increases in government levies in the form of a proportionate rent increase but rather was seeking information.

Issue(s) to be Decided

The issues to be decided are whether the tenant is entitled dispute a rent increase and to recover the filing fee from the tenant for the cost of the Application for Dispute Resolution, pursuant to Sections 34, 35, 36 60, and 65 of the *Manufactured Home Park Tenancy Act (Act)*.

Conclusion

Based on the above, I dismiss the tenant's Application for Dispute Resolution in its entirety. However, as I have found that the tenant was seeking information more than presenting a claim I grant the tenant leave to reapply for any or all issues raised in this Application.

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: March 03, 2017

Residential Tenancy Branch