



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes DRI, ERP, CNC, FF

Introduction

This hearing dealt with an Application for Dispute Resolution by the tenant to cancel an additional rent increase, for the cost of emergency repairs, to cancel a One Month Notice to End Tenancy for Cause (the "Notice"), issued on April 28, 2017 and to recover the filing fee.

Both parties appeared, gave affirmed testimony and were provided the opportunity to present their evidence orally and in written and documentary form, and to cross-examine the other party, and make submissions at the hearing.

Settlement

At the outset the parties agreed to the following.

1. The parties agreed to cancel the Notice;
2. The parties agreed that the landlords' real estate agent may have showing of the property on Fridays and Saturdays, commencing April 28, 2017;
3. The parties agreed that the landlord or their real estate agent will notify the tenant each Thursday for arranged showings;
4. The tenant is to ensure their dogs are either crated during the showings or removed for the premises; and
5. The parties agreed that the landlords will pay for the stove element purchased by the tenant; the tenant is authorized a onetime rent reduction in the amount of \$63.73 to be deducted from May 2017, rent.

This settlement agreement was reached in accordance with section 63 of the *Residential Tenancy Act*.

Issue to be Decided

Should an additional rent increase issued in 2015 be cancelled?

Background and Evidence

The tenant testified that they consented to a rent increase in 2015 and would like to have that increase cancelled.

Analysis

Based on the above, the testimony and evidence, and on a balance of probabilities, I find as follows:

In this case, the tenant consent to an increase of rent in 2015 and has paid that increase since then. I find the tenant is not entitled to cancel the rent increase as the landlords had the right to rely upon the tenants actions. Therefore, I dismiss this portion of the tenant's claim.

As the tenant was not successful with this portion of their claim, I decline to award the filing fee. The remainder of the tenant's claim was settled and the tenant did not respond to the landlords attempt to settle prior to this matter being heard.

Conclusion

The tenant's application to cancel an additional rent increase is cancelled. The balance of the tenant's application was settled.

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: April 26, 2017

Residential Tenancy Branch