



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: CNL, OLC, DRI, FF

Introduction

This hearing dealt with an application by the tenant for an order to set aside a notice to end tenancy landlord's use of property. The tenant also applied to dispute a rent increase, for an order directing the landlord to comply with the *Act* and for the recovery of the filing fee. Both parties attended the hearing and had opportunity to be heard.

At the start of the hearing, the tenants informed me that they had moved out and therefore the tenants' application to dispute the notice to end tenancy was moot and accordingly dismissed. Since the tenancy has ended the tenant's application for an order directing the landlord to comply with the *Act* is also moot. Accordingly this hearing dealt with the tenants' dispute of a rent increase from 2015 and the recovery of the filing fee.

Issue to be Decided

Did the landlord raise the rent by an amount that did not comply with legislation? Is the tenant entitled to compensation?

Background and Evidence

The tenancy began in December 1983. The monthly rent at the end of tenancy was \$1,200.00. On January 31, 2018, the landlord served the tenant with a notice to end tenancy for landlord's use of property. The tenant disputed the notice in a timely manner. The tenant agreed that she received compensation pursuant to a notice to end tenancy for landlord's use of property.

The rent increase was discussed at length. During the hearing the parties engaged in a conversation, turned their minds to compromise and achieved a resolution of their dispute.

Analysis

Pursuant to Section 63 of the *Residential Tenancy Act*, the Arbitrator may assist the parties settle their dispute and if the parties settle their dispute during the dispute resolution proceedings, the settlement may be recorded in the form of a decision or an order. During this hearing, the parties reached an agreement to settle their dispute under the following terms.

1. The landlord agreed to pay the tenants compensation in the amount of \$1,300.00 in full and final settlement of this dispute.
2. The tenants agreed to accept \$1,300.00 in full and final settlement of this dispute. A monetary order in the amount of \$1,300.00 will be granted to the tenants.
3. Both parties acknowledged that they understood and agreed with the above terms of their agreement.

As this dispute was resolved by mutual agreement and not based on the merits of the case, I decline the tenants' request to recover the filing fee paid for this application. The tenancy will end pursuant to a notice to end tenancy for landlord's use of property. The parties must be compliant with s.49 and s.51 of the *Residential Tenancy Act*.

Pursuant to the above agreement, I grant the tenants a monetary order under section 67 of the *Residential Tenancy Act*, for \$1,300.00. This order may be filed in the Small Claims Court and enforced as an order of that Court.

Conclusion

I grant the tenants a monetary order of **\$1,300.00**.

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, 2018

Residential Tenancy Branch