



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding ROYAL CANADIAN LEGION BRANCH 88  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      DRI

### Introduction

This hearing dealt with the tenant's application pursuant to the Residential Tenancy Act (the "Act") for a determination regarding their dispute of a rent increase by the landlord pursuant to section 43.

Both parties attended the hearing and were given a full opportunity to be heard, to present their sworn testimony, to make submissions, to call witnesses and to cross-examine one another. The landlord was represented by its agent JM (the "landlord").

As both parties were present service of documents was confirmed. The parties each testified that they were in receipt of all of the other's materials. Based on the testimony of the parties I find that they were each served with the respective materials in accordance with sections 88 and 89 of the *Act*.

### Issue(s) to be Decided

Should the landlord be authorized to increase the rent as submitted?

### Background and Evidence

This tenancy began in April, 2009. The current monthly rent is \$689.00 payable on the first of each month. In May, 2018 the landlord issued a Notice of Rent Increase for an increase of the rent by \$27.00, 4% of the rent, commencing September, 2018. There was a previous rent increase in September, 2017.

The tenant submits that she wants a rental decrease. She testified that other tenants in the building pay less rent. She said that tenants of other rental buildings are currently

paying a lesser rate than she does despite their tenancies starting after hers. The tenant submits that she is paying a large portion of her income on rent and that her pension amount for housing has not increased in the last 20 years.

### Analysis

Section 43 of the Residential Tenancy Act provides that:

- (1) A landlord may impose a rent increase only up to the amount
  - (a) calculated in accordance with the regulations,
  - (b) ordered by the director on an application under subsection (3), or
  - (c) agreed to by the tenant in writing.
- (2) A tenant may not make an application for dispute resolution to dispute a rent increase that complies with this Part.

The allowable rent increase for 2018 is 4.0%.

I find that the rent increase issued by the landlord complies with the *Act* and regulations as it is for an amount calculated in accordance with the regulations. I accept the undisputed evidence that no earlier rent increase was issued in the previous 12 months.

I find that the tenant's testimony regarding the rental rate for other units in the building or other tenancies to be irrelevant. There is no obligation on a landlord to offer the same rental rate to all tenants in a rental building.

While the tenant's testimony that they are on a fixed income and that the administrators of her government pension have failed to increase the living allowance is regrettable, that does not limit the landlord's right to increase the monthly rent in accordance with the *Act*.

I find that the rent increase issued by the landlord complies with the *Act* and there is no basis to dispute the increase. Consequently, I dismiss the tenant's application without leave to reapply.

### Conclusion

The tenant's application is dismissed without leave to reapply. The landlord's Notice of Rental Increase issued in May, 2018 is effective and the monthly rent will increase to \$716.00 as of September 1, 2018.

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: June 28, 2018

---

Residential Tenancy Branch