



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes

DRI MNDCT

Introduction

This hearing dealt with the tenant's application pursuant to the *Residential Tenancy Act* (the *Act*) for:

- A dispute of rental increase pursuant to section 43; and
- A monetary award for damages and loss pursuant to section 67.

Both parties attended the hearing and were given a full opportunity to be heard, to present sworn testimony, to make submissions and to call witnesses.

As both parties were present service of documents was confirmed. The landlord confirmed that that while they have been out of the country the tenant's application was forwarded to them and are aware of the subject of the application. Based on the testimonies I find that the landlord was sufficiently served with the tenant's application in accordance with section 71 of the *Act*.

Issue(s) to be Decided

Are the tenants entitled to a monetary award as claimed?

Should an order be made regarding the disputed rent increase?

Background and Evidence

The tenants gave evidence that this periodic tenancy began sometime in 2016. The tenant submits in their application:

First year rent 2500. Next year (2017) rent should be 2593 based on Tenancy law (3.7% increase), landlord requested 2700. Landlord did not mention tenancy law so tenant accepted unlawfully. Increase of 200 multiply 12 months is 2400. Next year (2018) again landlord did not mention Tenancy law so should be 2500 with 4% increase which is 2600. However, landlord requested 2700 with 4% increase is 2808. Increase of 208 multiply 12 months is 2498. 2400 plus 2498 is 4898 tenant requests to be owed.

Neither party submitted any documentary evidence. The tenants acknowledged that they had not submitted any written evidence.

Analysis

In accordance with Residential Tenancy Rule of Procedure 6.6 the onus to prove their claim on a balance of probabilities is on the applicant.

While the tenant gave affirmed testimony that there has been a number of rent increases above that which is permitted under the Act and regulations, I find that in the absence of any documentary evidence the tenant has not met their evidentiary burden on a balance of probabilities I find that there is insufficient evidence that there have been rental increases as submitted or that they were not agreed upon by the parties. In fact, the tenants gave evidence that they had agreed to each of these past rent increases and had paid monthly rent accordingly.

I find that the tenants have not met their evidentiary burden on a balance of probabilities and consequently dismiss their application in its entirety without leave to reapply.

Conclusion

The tenants' application is dismissed in its entirety without leave to reapply.

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: August 2, 2019

Residential Tenancy Branch