



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      DRI, FFT

### Introduction

This hearing dealt with an Application for Dispute Resolution by the tenant to dispute a rent increase and to recover the cost of 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 make submissions at the hearing.

The parties confirmed receipt of all evidence submissions and there were no disputes in relation to review of the evidence submissions. The parties confirmed that they were not making any prohibited recording of this hearing.

### Issue to be Decided

Should the rent increase be cancelled?

### Background and Evidence

The tenancy began on August 30, 2008. Rent in the amount of \$770.00 was payable on the first of each month. A security deposit/pet damage deposit of \$650.00 was paid by the tenant.

The tenant testified that they received a letter dated December 1, 2020 that the rent would be increasing by \$65.00. Filed in evidence is a copy of the letter.

The landlord testified that the proposed rent increase was for the allowable amount of the increase that is permitted July 10, 2021, and \$20.00 was attributable to building improvements and renovations of the previous few years and \$35.00 was for adding internet services.

### Analysis

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

In this case, the landlord had given the tenant a letter of a rent increase; however, it is not in the proper form as required by section 42 of the Act. Further, the rent increase freeze has been extended for the annual rent increases to the end of 2021.

Furthermore, the landlord was claiming building and renovations costs in the letter. In order for the landlord to be allowed a rent increase in an amount greater than specified in the Act, they must complete an Application for Additional Rent Increase and have that matter scheduled for hearing. It will be up to an Arbitrator to determine if an additional rent increase would be permitted.

As a proper notice of rent increase was not given. I find the letter has no force or effect. Therefore, I grant the tenant's application to cancel the rent increase letter. Since the tenant was successful with their claim. I authorize the tenant a onetime rent reduction in the amount of \$100.00 to recover the cost of the filing fee from the landlord. The tenant is authorized to deduct \$100.00 from August 2021, rent in full satisfaction of this award.

### Conclusion

The tenant's application is granted. I authorize the tenant a onetime rent reduction in the above amount in full satisfaction of this award.

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 03, 2021

---

Residential Tenancy Branch