



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Reddoor Housing society
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OLC

Introduction

This hearing dealt with the tenant's application for dispute resolution under the Residential Tenancy Act (Act) for:

- an order requiring the landlord to comply with the Act, regulations, or tenancy agreement.

The tenant and the landlord's agent (agent) attended, the hearing process was explained, and they were given an opportunity to ask questions about the hearing process.

The parties were informed at the start of the hearing that recording of the dispute resolution hearing is prohibited under the Residential Tenancy Branch (RTB) Rules of Procedure.

Thereafter both parties were provided the opportunity to present their evidence orally and to refer to relevant documentary evidence submitted prior to the hearing, and make submissions to me.

Words utilizing the singular shall also include the plural and vice versa where the context requires.

Issue(s) to be Decided

Has the tenant sufficiently identified the issue on their application and if so, is the tenant entitled to the unspecified relief sought?

Background and Evidence

The basis of the tenant's application was that the landlord did not properly calculate their monthly rent based on their income on the basis that their income increased one month in the prior year only because of the overtime pay that month. The tenant argued that their rent should not be increase based on one month of overtime pay.

In their application, the tenant wrote the following:

I am living in bc housing my rent was calculated based on my one month paystub. According to bc housing law for the low income family rent must calculate upon anual family income I request many times to review they are ignored I wrote a camplain in thier webside they ignored I called bc housing they told me it's illigal to calculate rent over anual family income but I have been paid more then my family income for complet one year.I called them many times no answer.

Landlord's response –

Included in the written statement of the landlord was the following:

(Landlord name) is a Non-Profit Housing provider, providing low to medium income families and a small number of seniors with affordable housing operating under the guidelines of operating agreements in conjunction with BC Housing.

The premises located at the (residential property name) location contains (Number of units ()) units which are designated RGI (rent geared to income) and each summer of each year Tenants are required to submit documentation to support eligibility for subsidy with the rent geared to income effective date of September.*

We are requesting to dismiss the application for Dispute Resolution for the Landlord to comply with the Act, regulation and/or the tenancy agreement with respect to the rent calculation for the period of September 1, 2020 - August 21, 2021, as the rent calculation has been determined in accordance with the BC Housing Rent Calculation guide, tenancy agreement and/or operating agreements.

(Identifying information has been anonymized for protection of privacy)

Analysis

I find the tenant's application does not set out specifically with what they seek the landlord to comply.

Pursuant to paragraph 59(2)(b), an application of dispute resolution must include the full particulars of the dispute that is to be the subject of the dispute resolution proceedings. The purpose of the provision is to provide the responding party with enough information to know the applicant's case so that the respondent might defend themselves.

I find that the tenant did not set out any other remedies sought in such a manner that the landlord would have known how to prepare to respond.

Further, as I explained to the tenant at the hearing, a disagreement with the rent geared to income calculations of the landlord is beyond the reach of the Residential Tenancy Branch. I accept the landlord's submissions that the tenant's yearly calculation of rent is determined in accordance with the BC Housing Rent Calculation guide, tenancy agreement and/or operating agreements. I therefore find I do not have authority under the Act to calculate the tenant's rent on this basis.

Due to the tenant's application lacking full particulars of the dispute, I dismiss the tenant's application, without leave to reapply.

Conclusion

The tenant's application is dismissed, 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*. Pursuant to section 77 of the Act, a decision or an order is final and binding, except as otherwise provided in the Act.

Dated: February 9, 2022

Residential Tenancy Branch