



# Dispute Resolution Services

Residential Tenancy Branch  
Ministry of Housing

## DECISION

**Dispute Codes**      ARI-C

### **Introduction**

This hearing dealt with the landlord's application pursuant to the *Residential Tenancy Act* (the "**Act**") and the *Residential Tenancy Regulation* (the "**Regulation**") for an additional rent increase due to a financial loss from an extraordinary increase in the operating expenses per section 23(1)(a) of the Regulation.

The landlord was represented by two agents ("**HA**" and "**ZV**") at the hearing. Tenant EH attended.

The landlord attended a hearing on February 24, 2023 over which I presided, seeking the same relief against a second building located on the same residential property as the building in which all the respondents of this application reside. I dismissed that application, with leave to reapply, as the landlord had failed to provide evidence as to whether they had suffered a financial loss in 2022 (which they are required to prove in order to be successful).

At the outset of this hearing, I asked the landlord's representatives how they would like to proceed at this hearing, in light of my ruling at the February 24, 2023 hearing. They indicated they would like to withdraw the landlord's application, reserving the right to reapply if they could determine whether they had suffered a financial loss in 2022.

In the circumstances, I find it appropriate to grant their request as it puts the parties in the same position as if I dismissed the landlord's application with 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: February 27, 2023

---

Residential Tenancy Branch