



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

### **Introduction**

This hearing was convened in response to an application by the Tenant pursuant to the *Residential Tenancy Act* (the “Act”) for Orders as follows:

1. An Order cancelling a rent increase - Section 43; and
2. An Order to recover the filing fee for this application - Section 72.

The Parties were each given full opportunity to be heard, to present evidence and to make submissions. The Parties confirm receipt of each others evidence.

### **Issue(s) to be Decided**

Is the rent increase in accordance with the Act?

Is the Tenant entitled to a recovery of the filing fee?

### **Background and Evidence**

The following are agreed or undisputed facts: the tenancy started on July 1, 2007. Rent of \$1,420.00 is payable on the first day of each month. At the outset of the tenancy the Landlord collected \$625.00 as a security deposit. On November 1, 2022 the Landlord gave the Tenant a rent increase of \$50.00 per month to start on February 1, 2023.

The Tenant seeks a cancellation of the rent increase.

### **Analysis**

Section 42(2) of the Act provides that a landlord must give a tenant notice of a rent increase at least 3 months before the effective date of the increase. Section 43(1)(a) of the Act provides that a landlord may impose a rent increase only up to the amount

calculated in accordance with the regulations. The allowable rent increase for 2023 is 2%. As the rent increase given by the Landlord is greater than the equivalent of 2% of the monthly rent I find that the Landlord has not complied with the Act for the rent increase and that the monthly increase of \$50.00 may not be imposed. As the Tenants' claim has been successful I find that the Tenants are entitled to recovery of the **\$100.00** filing fee and the Tenants may deduct this amount from future rent payable in full satisfaction of this claim.

### Conclusion

The Landlord may not impose the rent increase of \$50.00.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the Act.

Dated: March 27, 2023

---

Residential Tenancy Branch