



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Introduction

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

- an order regarding a disputed additional rent increase pursuant to section 43;
- an order requiring the landlord to comply with the Act, regulation or tenancy agreement pursuant to section 62;
- authorization to recover the filing fee for this application pursuant to section 72.

The hearing was conducted by conference call. All named parties attended the hearing. There were no issues raised with respect to service of the application and evidence on file.

In the hearing, the tenant withdrew his application pertaining to an order for the landlord to comply with the Act as it related to lawnmower fuel reimbursement and a second access door.

Issues

Is the proposed rent increase legal?

Is the tenant entitled to recover the filing fee?

Background and Evidence

The tenancy began May 1, 2022 and is for a two year fixed term ending April 30, 2024. The monthly rent as per the lease is \$2400.00.

On February 18, 2023, the landlord issued the tenant a Notice of Rent Increase which would be effective June 1, 2023.

Analysis

The parties entered into a two-year fixed term contract at a rent of \$2400.00 per month. By attempting to increase the rent, the landlord is in breach of the contract. The effective date of any rent increase issued by the landlord cannot be prior to the end of the two-year fixed term.

The landlords Notice of Rent Increase dated February 13, 2023 with an effective date of June 1, 2023 is therefore null and void.

As the tenant was successful in this application, the tenant is entitled to recover the filing fee. The tenant may reduce a future rent payment by \$100.00.

Conclusion

The landlords Notice of Rent Increase dated February 13, 2023 with an effective date of June 1, 2023 is null and void.

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 22, 2023

Residential Tenancy Branch