



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing

A matter regarding PROSPRO INTERNATIONAL REALTY
INC. and [tenant name uppressed to protect privacy]

DECISION

Dispute Code ARI-C

Landlord Prospero International Realty Inc. (the Landlord) applied for an additional rent increase for capital expenditures (expenditures), under section 43(3) of the Residential Tenancy Act (the Act) and 23.1 of the Residential Tenancy Regulation (the Regulation).

This decision should be read in accordance with the interim decision dated February 23, 2024 (the interim decision). The interim decision states:

The Landlord affirmed he served the notice of hearing and application (the materials) by registered mail to units 307, 308 and 309 and by attaching the materials to the remaining units' front doors on November 10, 2023. The Landlord stated he registered mailed to all 23 units a second package of evidence on December 18, 2023. The Landlord did not submit the evidence in the second package to the Residential Tenancy Branch (RTB).

The Landlord's evidence submitted to the RTB consists of one building picture, 18 pages of invoices, and one construction permit.

Tenant TNC testified she could not understand the invoices, as there is no explanation for the capital expenditures and the invoices.

[...]

The Landlord said he is seeking an additional rent increase for expenditures in the total amount of \$460,407.16 for replacing the patio windows and doors in all the units and related wall repair work.

The Landlord affirmed he served all the documents that he considered relevant and that this is his first time involved in an application for an additional rent increase.

Tenants GWI, JNG, KRA, SMA and TNC stated the Landlord should not have a chance to serve more documents, as the Landlord already had a chance to do so, and they took time off from work to attend the hearing.

[...]

Considering the large number of respondents, upon further consideration, I order the hearing to proceed in writing.

I find it is fair to adjourn to provide the parties with a chance to be prepared and to have all the relevant information served, especially considering the complexity of this claim

and the fact that it is the first time the Landlord submitted an application under Regulation 23.1.

[...]

I order the Landlord to serve written submissions explaining clearly how this application meets all the requirements of the legislation and referencing the evidence. The Landlord must serve all the tenants the written submissions and evidence no later than 30 calendar days after this decision.

[...]

Conclusion

Based on the above, I order:

1. The hearing will proceed in writing.
2. The Landlord must serve the Landlord's documents no later than 30 calendar days after the date of this decision.

The RTB emailed the interim decision to the Landlord on February 26, 2024.

The Landlord has not submitted any document to the RTB after the interim decision.

Tenant SMA submitted a statement dated April 22, 2024 indicating that he and the tenants from units 102, 103, 105, 206, 301 and 307 have not received any documents from the Landlord after the interim decision.

I allowed the Landlord a reasonable amount of time to serve documents regarding this application.

As the Landlord did not serve any documents, I find the Landlord tacitly abandoned this application for an additional rent increase.

I do not find it fair to grant leave for the Landlord to reapply, as the corporate Landlord submitted this application, did not serve all the evidence, requested more time to serve further evidence and did not make any further submissions after I allowed him to do so.

Thus, I dismiss the application 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 Act.

Dated: April 25, 2024