



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      DRI, FF

### Introduction

This hearing was convened by way of conference call in response to the tenants' applications to dispute an additional rent increase and to recover the filing fees from the landlord for the cost of these applications.

Service of the hearing documents, by the tenants to the landlord, was done in accordance with section 89 of the *Act*; served by registered mail on February 20, 2015. Canada Post tracking numbers were provided by the tenants in documentary evidence. The landlord was deemed to be served the hearing documents on the fifth day after they were mailed as per section 90(a) of the *Act*.

Three of the tenants appeared, gave sworn testimony, were provided the opportunity to present evidence orally, in writing, and in documentary form. There was no appearance for the landlord, despite being served notice of this hearing in accordance with the *Residential Tenancy Act*. All of the testimony and documentary evidence was carefully considered.

### Issue(s) to be Decided

Are the tenants entitled to dispute an additional rent increase?

### Background and Evidence

Five tenants filed an application for dispute resolution under the *Manufactured Home Park Tenancy Act* (Act) concerning an additional rent increase. The tenants attending testified that their rent is \$200.00 per month due on the 1<sup>st</sup> day of each month.

The tenants testified that they received a rent increase notice from the landlord which was not filled in correctly. The rent increase notice stated that the landlord was increasing their rent from \$200.00 per month to \$250.00 per month. The tenants testified that the landlord did not complete the form to include the rent increase formula showing the allowable rent increase plus the inflation and increase in local government levies and public utility fees.

The tenants seek to have the rent increase notice cancelled and for their rent to remain the same until the landlord provides the tenants with the correct rent increase notice.

The tenants testified that the landlord did provide a hand written sheet indicating his increase in taxes and costs but this has not been included on the official form and the calculations do not make any sense.

### Analysis

I refer the parties to section 35(3) of the *Act* which states that a Notice of a rent increase must be in the approved form.

I have reviewed the evidence before me and find the landlord has provided insufficient evidence to show that a valid rent increase notice has been sent to the tenants. The landlord provided some documentary evidence prior to the hearing and contained in this evidence is page two of a rent increase notice. If the landlord is increasing the rent more than the allowable amount for 2015 then the landlord must complete a rent increase notice RTB-11. This notice enables the landlord to provide detailed calculations for the proportional amount of rent increase which includes details such as inflation, local property levies and public utility fees and charges. The information must be detailed on

the RTB-11 notice in accordance to section 36(1) of the regulations and provided to the tenants in order for the landlord to be able to increase the rent.

Consequently, as the landlord has failed to comply with section 36(1) of the Regulations I find the rent increase is not legal or valid at this time and the tenants rent must remain at \$200.00 per month until such a time as the landlord complies with section 36(1) of the regulations and section 35(3) of the *Act*.

### Conclusion

For the reasons set out above I hereby uphold the tenant's applications to dispute an additional rent increase.

As the tenants have been successful with their applications I find the tenants are entitled to recover their filing fees paid for each application. The lead tenant TS paid a **\$50.00** filing fee and may deduct that amount from his next rent when it is due and payable. The other four tenants paid filing fees of **\$25.00** each and may deduct that amount from their next rent when it is due and payable.

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

Dated: April 20, 2015

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Residential Tenancy Branch

