



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes DRI, CNR, FF

Introduction

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

- an order regarding a disputed additional rent increase, pursuant to section 43;
- cancellation of the landlord's 10 Day Notice to End Tenancy for Unpaid Rent or Utilities, dated June 5, 2016 ("10 Day Notice"), pursuant to section 46; and
- authorization to recover the filing fee for this application from the landlord, pursuant to section 72.

The landlord did not attend this hearing, which lasted approximately 12 minutes. The two tenants attended the hearing and were each given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses.

The tenants confirmed that they both personally served the landlord with their application for dispute resolution hearing package on June 14, 2016. In accordance with section 89 of the *Act*, I find that the landlord was served with the tenants' application on June 14, 2016.

At the outset of the hearing, the tenants testified that they had already vacated the rental unit on July 2, 2016 and they no longer required their application to cancel the landlord's 10 Day Notice. Accordingly, this portion of the tenants' application is dismissed without leave to reapply.

The tenants said that they did not know whether the landlord was attempting to increase their rent because they did not know the basis of their 10 Day Notice. The tenants confirmed that they did not pay more than the \$1,500.00 per month rent due in their tenancy agreement, to the landlord. Therefore, I find that the tenants failed to show that the landlord attempted to impose a rent increase on the tenants or that the tenants paid

an additional rent increase to the landlord. Accordingly, this portion of the tenants' application is dismissed without leave to reapply.

As the tenants were not successful in this application, I find that they are not entitled to recover the \$100.00 filing fee from the landlord.

Conclusion

The tenants' entire application is dismissed 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 *Residential Tenancy Act*.

Dated: July 18, 2016

Residential Tenancy Branch