



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes ARI-E

Introduction

This hearing dealt with the landlord's application pursuant to the *Residential Tenancy Act* (the *Act*) for an additional rent increase for expenditures, pursuant to section 43 of the *Act*.

An agent for the landlord (the "agent"), tenant S.S. and an advocate for tenant S.S. (the "advocate") attended the hearing and were each given a full opportunity to be heard, to present affirmed testimony, to make submissions, and to call witnesses.

Both parties confirmed their email addresses for service of this decision.

Preliminary Issue

Tenant S.S.'s first and last name were switched in this application for dispute resolution. In accordance with section 64 of the *Act* I amend this application to correctly state tenant S.S.'s first and last name.

Issues to be Decided

Is the landlord entitled to an additional rent increase for expenditures?

Background and Evidence

While I have turned my mind to the documentary evidence and the testimony of both parties, not all details of their respective submissions and arguments are reproduced here. The relevant and important aspects of the parties claims and my findings are set out below.

Both parties agreed that there are four rental units in the subject rental building. The landlord filed this application for dispute resolution against the tenants in two of the four rental units.

The agent testified that only the two rental units paying less than market rent were filed against because the landlord did not think it would be fair to raise the rent of the units paying market value.

Analysis

Residential Tenancy Policy Guideline #37D (PG #37D), referencing s. 23(2) of the Residential Tenancy Regulation states that the landlord must make a single application to increase the rent for all rental units in the residential property by an equal percentage.

As set out in PG #37D and section 23(2) of the Regulation, the landlord must make a single application to increase the rent for all rental units. I find that the landlord was not permitted to make an application to increase the rent of only two out of four rental units. I dismiss the landlord's application for dispute resolution with leave to reapply for failing to file their application for dispute resolution in accordance with PG #37D and section 23(2) of the Regulation.

Conclusion

The landlord's application for dispute resolution is dismissed with 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: November 29, 2023

Residential Tenancy Branch