

37B: Agreed Rent Increase

This policy guideline is intended to help the parties to an application understand issues that are likely to be relevant. It may also help parties know what information or evidence is likely to assist them in supporting their position. This policy guideline may be revised and new guidelines issued from time to time.

A. LEGISLATIVE FRAMEWORK

Under section 36 of the *Manufactured Home Park Tenancy Act* (MHPTA) and section 43 of the *Residential Tenancy Act* (RTA), a landlord may impose a rent increase only up to the amount:

- calculated in accordance with the regulations (“annual rent increase”),
- agreed to by the tenant in writing (“agreed rent increase”), or
- ordered by the director on an application in the circumstances prescribed in the regulations (“additional rent increase”).

This Policy Guideline is about annual rent increases. Information on the other permitted rent increases can be found in the following Policy Guidelines:

- Policy Guideline 37A: Annual Rent Increase
- Policy Guideline 37C: Additional Rent Increase for Capital Expenditures (ARI-C)
- Policy Guideline 37D: Additional Rent Increase for Expenditures (ARI-E)

Information that applies to all permitted rent increases is available in Policy Guideline 37: Permitted Rent Increases.

B. AGREED RENT INCREASE

A tenant may voluntarily agree to a rent increase that is greater than the maximum annual rent increase. Agreements must:

- be in writing,
- clearly set out the rent increase (for example, the percentage increase and the amount in dollars),
- clearly set out any conditions for agreeing to the rent increase,
- be signed by the tenant, and
- include the date that the agreement was signed by the tenant.

A Notice of Rent Increase must be issued to the tenant three full months before the increase is to go into effect. The landlord should attach a copy of the written agreement signed by the tenant to the Notice of Rent Increase given to the tenant.

A tenant cannot dispute an amount they agreed to in writing. A tenant can dispute an agreed rent increase if it was not imposed in compliance with the timing and notice provisions or if the other conditions of the rent increase were not met.

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C. CHANGES TO POLICY GUIDELINE

Section	Change	Notes	Effective Date
all	new	New Policy Guideline. Based on previous version of Policy Guideline 37.	2023-02-17

Change notations

am = text amended or changed

del = text deleted

new = new section added