

Los Gatos Dispute Resolution Program

c/o Project Sentinel
1490 El Camino Real
Santa Clara, CA 95050

Tel: 408-402-0307x8016

Fax: 408-720-0810

E-mail: mediate4us@housing.org

TIPS FOR EFFECTIVE PARTICIPATION IN A RENTAL DISPUTE ARBITRATION

- Study and understand the three formulas for “pass-through” rent increases noted in the Regulations [p. 5-6]
- Review the pre-arbitration procedures in the Regulations [p.15-18] and the rules on the actual conduct of the hearing [p.19-21]
- Be aware that a Landlord has the burden of proving that a rent increase is reasonable [Regulations p. 15], The general standards for what is “reasonable” are listed in the Regulations, [p. 9-10]
 - Landlords should be prepared to produce documentation of the specific cost factors claimed under any pass-through formula they are relying upon. The landlord should also be prepared to produce any other evidentiary proof necessary to help establish the specific financial components justification for one or more pass-through increases they are relying upon.
- Be aware that a tenant alleging a service reduction has the burden of proving the facts demonstrating the occurrence of the service reduction.
 - The tenant should check whether there is a written record of requests for repairs, or inspections. The tenant should be prepared to produce copies of any repair invoices or requests for service/maintenance to help establish the service reduction, and should compile photographic evidence of any conditions justifying the service reduction claim.
- If you want the arbitrator to issue a subpoena for a witness or one for documents in the possession of the other party, be sure to make a timely request and to follow the procedure in the Regulations [Regulations p. 19-20]
- Make sure you comply with the duty to exchange arbitration documents 7 days prior to the hearing date [Regulations p.14]
- Do your homework prior to the 7 day cutoff for submitting documents, for example,
 - Look at all the factors listed in the Regulations at pages 9-10, including:

- rental rates in other comparable properties, and compile evidence such as listings on Craig's list
 - The history of prior increases for rental units in the same property, particularly whether there were prior increases above 5% and how they were justified,
 - The vacancy rate in this property and other similar properties
 - The physical condition of this apartment community, and any recent increase or decrease in services
- If you have photographs, make sure they are in a format that can be submitted to the arbitrator and other parties. Do not bring video unless you can make a copy to submit in advance. Taking "stills" from the video is a much better approach.
 - Ask the Case Manager for help if you have any questions about the criteria or procedures that apply to the arbitration.
 - The hearings are not as formal as a court trial and the rules of evidence are relaxed in favor of letting in the broadest possible range of evidence, with the assumption that the arbitrator can determine its relevance and weight. However, each party should prepare an organized presentation of the important points and important evidence supporting his or her case. Each party should bring extra copies of any documents or other tangible evidence that party wants to introduce at the hearing.
 - Past experience has demonstrated that a well-organized presentation makes a significant difference in the chances of winning or losing.