



# Dispute Resolution Services

Residential Tenancy Branch  
Office of Housing and Construction Standards  
Ministry of Housing and Social Development

## Dispute Codes:

CNC and FF

## Introduction

This hearing was scheduled in response to an application by the Tenant to cancel a Notice to End Tenancy for Cause and to recover the filing fee from the Landlord for the cost of filing this Application for Dispute Resolution.

Both parties were represented at the hearing. They were provided with the opportunity to submit documentary evidence prior to this hearing, all of which has been reviewed, to present oral evidence, to ask questions of the other party, and to make submissions to me.

## Issue(s) to be Decided

The issue to be decided is whether the Notice to End Tenancy for Cause, served pursuant to section 47 of the *Residential Tenancy Act (Act)*, should be set aside, and whether the Tenant is entitled to recover the filing fee from the Landlord for the cost of this Application for Dispute Resolution.

## Background and Evidence

The Landlord and the Tenants agree that a 1 Month Notice to End Tenancy for Cause was served on the Tenants, which indicated that the Tenants were required to vacate the rental unit on October 31, 2008.

During the hearing the Tenant indicated that he had served the Landlord with written notice of his intent to vacate the rental unit at the end of October. The Tenant stated that he intends to vacate the rental unit on, or before, October 31, 2008.

Based on the Tenant's statement that he would be vacating the rental unit on October 31, 2008, the Property Manager for the Landlord indicated they would withdraw the Notice to End Tenancy that is the subject of this dispute.

At the hearing the Property Manager for the Landlord agreed that a Condition Inspection Report will be completed at the end of the tenancy by an Agent of the Landlord other

than the current caretakers of this residential complex. Counsel for the Landlord agreed that they would compensate the Tenant for the \$50.00 he paid to file this Application for Dispute Resolution.

### Conclusion

I find that the Tenant has established a monetary claim in the amount of \$50.00 as compensation for the filing fee paid by the Tenant for this Application for Dispute Resolution. I hereby grant the Tenant a monetary Order in the amount of \$50.00. In the event that the Landlord does not comply with this Order, it may be served on the Landlord, filed with the Province of British Columbia Small Claims Court and enforced as an Order of that Court.

Date of Decision: October 21, 2008.