



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.

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 Tenant agree that a 1 Month Notice to End Tenancy for Cause was served on the Tenant, which indicated that the Tenant was required to vacate the rental unit on October 31, 2008. During the hearing Counsel for the Landlord indicated that the Landlord wished to withdraw this Notice to End Tenancy.

Conclusion

As the Notice to End Tenancy has been withdrawn, I find that this tenancy will continue until it is ended in accordance with the Act. I find that the Tenant is entitled to compensation for the cost of filing this Application for Dispute Resolution.

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 authorize the Tenant to reduce her next monthly rent payment by the amount of \$50.00.

Date of Decision: October 21, 2008.

