



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OLC, PSF, FF

Introduction

This hearing dealt with the tenants' application for an order that the landlord comply with the Act and provide services or facilities. Despite having been personally served with the application for dispute resolution and notice of hearing on October 27, the landlord did not participate in the conference call hearing.

Issue to be Decided

Are the tenants entitled to the recovery of their filing fee?

Background and Evidence

The tenants' undisputed testimony is as follows. Since May 2011, the tenants have requested that the landlord clean the furnace ducts and ceiling vents. They orally requested this service on two occasions and twice put the request in writing. The landlord refused to perform the services. The tenants applied for dispute resolution on October 25 and served the landlord with their application on October 27. On November 7, the landlord performed the requested services.

Analysis

I accept the undisputed evidence of the tenants and I find that the landlord did not act to perform the required service until after the tenants had filed for dispute resolution, thereby causing them to incur the cost of the filing fee. I find that the landlord should bear the cost of the filing fee.

Conclusion

The tenants may deduct \$50.00 from future rent owed to the landlord.

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 17, 2011

Residential Tenancy Branch