



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC FF

Introduction

This hearing dealt with the tenant's application to cancel a notice to end tenancy for cause. The landlord and the tenant participated in the teleconference hearing.

Partial Settlement

During the hearing the parties agreed to settle the issue of the notice to end tenancy for cause, on the following conditions:

- 1) the landlord agrees to withdraw the notice to end tenancy;
- 2) the tenancy ends November 30, 2014 and the landlord is entitled to an order of possession for that date; and
- 3) the tenant agrees that for the remainder of the tenancy neither he nor any of his guests will significantly interfere with or unreasonably disturb other occupants.

Issue to be Determined – Recovery of the Filing Fee

The parties could not agree whether the tenant is entitled to recovery of the filing fee for the cost of his application.

The tenant's submission was that he dealt with all of the issues before the landlord issued the notice to end tenancy, and he had already given verbal notice to vacate.

The landlord's response was that the problems they've had with the tenant are still continuing, and they have had to incur extra costs on this file.

Upon consideration I have determined that the tenant is entitled to recovery of his filing fee. The landlord served the tenant with the notice to end tenancy and clearly intended to enforce it. The tenant did not wish to vacate the unit by the effective date of the notice, so he had no choice but to apply to cancel the notice.

I grant the tenant recovery of the \$50 filing fee for the cost of his application.

Conclusion

I grant the landlord an order of possession effective November 30, 2014. The tenant must be served with the order of possession. Should the tenant fail to comply with the order, the order may be filed in the Supreme Court of British Columbia and enforced as an order of that Court.

I grant the tenant a monetary order for \$50.

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: October 27, 2014

Residential Tenancy Branch

