



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding ARNO HOTEL
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPC, FF

Introduction

This hearing dealt with the landlord's application pursuant to the *Residential Tenancy Act* ("Act") for:

- an Order of Possession for cause, pursuant to section 55;
- authorization to recover the filing fee from the tenant, pursuant to section 72.

The tenant did not attend this hearing, which lasted approximately 12 minutes. The landlord's agent, HS ("landlord") attended the hearing and was given a full opportunity to be heard, to present sworn testimony, to make submissions, and to call witnesses. The landlord confirmed that he is the building manager for the rental building and that he had authority to represent the landlord company named in this application, as an agent at this hearing.

At the outset of the hearing, the landlord testified that the tenant would be vacating the rental unit on June 1, 2015, pursuant to a written notice, dated May 1, 2015, provided to the landlord on May 1. The landlord provided a copy of this notice with its application. The landlord confirmed that he wished to withdraw the landlord's application for an order of possession for cause.

The landlord testified that he still wished to pursue the application to recover the \$50.00 filing fee from the tenant. The landlord indicated that the tenant verbally agreed to pay him the filing fee and that the tenant did not wish to attend this hearing. The landlord failed to provide any written evidence that the tenant agreed to pay him the filing fee for this application. I was not required to make a decision on the merits of this case, as the landlord withdrew his application for an order of possession at the hearing. Accordingly, the landlord's application to recover the filing fee is dismissed.

Conclusion

The landlord's application for an order of possession is withdrawn. The landlord's application to recover the filing fee is dismissed.

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: May 20, 2015

Residential Tenancy Branch

