



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Rockwell Management Inc
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes CNC, FF

This hearing was convened in response to an application by the Tenant pursuant to the *Residential Tenancy Act* (the “Act”) for Orders as follows:

1. An Order cancelling a notice to end tenancy – Section 47; and
2. An Order to recover the filing fee for this application - Section 72.

The Landlord and Tenant were each given full opportunity under oath to be heard, to present evidence and to make submissions.

At the outset of the hearing the Parties were asked whether they had any other persons attending the hearing on their behalf. The Tenant identified a witness that was not present but would be called later in the hearing. The Landlord identified a witness that was not present but would be called later in the hearing. During the hearing and after some evidence had been given by the Landlord two witnesses for the Landlord unexpectedly identified themselves as having been present in the hearing for the provision of the evidence to this point. These witnesses were excused from the hearing and not allowed to present evidence on the basis that their provision of evidence at this point would be unduly prejudicial as it could no longer be considered untainted or reliable. The Landlord then withdrew the notice to end tenancy.

Given that the Landlord withdrew the notice to end tenancy I dismiss the Tenant’s application for a cancellation of the notice to end tenancy and I find that the Tenant is entitled to recovery of the \$50.00 filing fee. The Tenant may deduct this amount from future rent payable in full satisfaction of the claim. I grant the Tenant an order under Section 67 of the Act for **\$50.00**. If necessary, this order may be filed in the Small Claims Court and enforced as an order of that Court.

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: December 08, 2015

Residential Tenancy Branch

