



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      FF, CNC, OPC

### Introduction

This decision deals with two applications for dispute resolution, one brought by the tenant(s), and one brought by the landlord(s). Both files were heard together.

The landlord's application is a request for an Order of Possession based on a Notice to End Tenancy that was given for cause, and a request for recovery of the filing fee.

The tenant's application is a request to cancel a Notice to End Tenancy that was given for cause, and a request for recovery of the filing fee area

Some documentary evidence and written arguments has been submitted by the parties prior to the hearing. I have thoroughly reviewed all relevant submissions.

I also gave the parties the opportunity to give their evidence orally and the parties were given the opportunity to ask questions of the other parties.

All parties were affirmed.

### Issue(s) to be Decided

The issue was whether to uphold or cancel a Notice to End Tenancy that was given for cause, and whether or not to order recovery of the filing fees paid by the parties; however at the beginning of the conference call the tenants agent informed me that the tenants had vacated the rental unit and therefore the only remaining issue is whether or not to order recovery of the filing fees.

### Analysis

It is my decision that since the tenants did not follow through with their arbitration hearing, I will not allow their request for recovery of their filing fee.

Further, it is also my decision that since the only reason the landlords filed for dispute resolution, was because the tenants had stated they were not going to vacate the rental unit, I will allow the landlords request for recovery of their filing fee.

### Conclusion

As stated above, the tenants have already vacated this rental unit and therefore no order is required either upholding or setting aside the Notice to End Tenancy, and no Order of Possession has been issued.

The tenant's application for recovery of their filing fee is dismissed without leave to reapply.

I have issued an Order for the tenants to pay \$100.00 to the landlord for recovery of the landlords filing fee.

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: August 02, 2016

---

Residential Tenancy Branch