



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      CNC, FF, O

### Introduction

This hearing dealt with a tenant's Application for Dispute Resolution (the "Application") under the Residential Tenancy Act (the "Act") for:

- cancellation of the landlord's One Month Notice to End Tenancy for Cause (the "One Month Notice");
- recovery of the filing fee paid for this application from the tenant; and
- an order for unspecified other relief.

The landlord's agent (the "landlord") and the tenant appeared at the teleconference hearing and gave affirmed testimony. Witnesses also appeared for the landlord and were affirmed, however, they did not give any testimony. During the hearing the landlord and tenant were given a full opportunity to be heard, to present sworn testimony and make submissions. A summary of the testimony is provided below and includes only that which is relevant to the hearing.

### Preliminary and Procedural Matters

The agent for the landlord indicated that the tenant's application does not name the proper corporate landlord that is named on the tenancy agreement. Accordingly, pursuant to Rule 4.2 of the Residential Tenancy Branch Rules of Procedure, I amend the tenant's application to add the landlord's corporate name as shown in the style of cause, and to remove the name of the landlord's agent.

The tenant advised that she was withdrawing all her claims except for her claim to recover the cost of the filing fee from the landlord for their application. The tenant testified that she moved out of the rental unit on December 31, 2016 and therefore her application is no longer necessary.

### Analysis

In the circumstances before me, I find that the tenant is not entitled to the recovery of the filing fee from the landlord. The tenant's application was made to dispute the landlord's notice to end tenancy, which the tenant has since complied with.

Conclusion

I dismiss the tenant's application for recovery of the 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: January 26, 2017

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Residential Tenancy Branch