



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: CNR FF

Introduction

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

- cancellation of the landlord's 10 Day Notice to End Tenancy for Unpaid Rent (the 10 Day Notice) pursuant to section 46; and
- authorization to recover the filing fee for this application, pursuant to section 72.

Both parties were represented at the hearing by their agents and were given a full opportunity to be heard, to present their sworn testimony, to make submissions, to call witnesses and to cross-examine one another.

The landlord's agent, JW, confirmed receipt of the tenant's application for dispute resolution ('application') and evidence. In accordance with sections 88 and 89 of the *Act*, I find that the landlord was duly served with the tenant's application and evidence.

As the tenant's agent, KW, confirmed receipt of the 10 Day Notice dated July 11, 2017, I find that this document was duly served to the tenant in accordance with section 88 of the *Act*.

The landlord's agent indicated in the hearing that they were withdrawing the 10 Day Notice dated July 11, 2017 and was no longer seeking an Order of Possession pursuant to that notice. As the landlord was no longer seeking an end to this tenancy based on the 10 Day Notice, the tenant's application was withdrawn.

The landlord's 10 Day Notice, dated July 11, 2017, is cancelled and of no force or effect. This tenancy continues until it is ended in accordance with the *Act*.

The filing fee is a discretionary award issued by an Arbitrator usually after a hearing is held and the applicant is successful on the merits of the application. As I was not required to make a decision on the merits of this case, I find that the tenant is not

entitled to recover the \$100.00 filing fee paid for this application. The tenant must bear the cost of this 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: October 5, 2017

Residential Tenancy Branch