



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

**Dispute Codes**      CNC OLC ERP LRE FF DRI

### Introduction

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

- cancellation of the landlords' 1 Month Notice to End Tenancy for Cause (the 1 Month Notice) pursuant to section 47;
- an order requiring the landlord to comply with the *Act*, regulation or tenancy agreement pursuant to section 62;
- an order to the landlords to make emergency repairs to the rental unit pursuant to section 33;
- an order to suspend or set conditions on the landlords' right to enter the rental unit pursuant to section 70;
- authorization to recover the filing fee for this application from the landlords, pursuant to section 72 of the *Act*; and
- a determination regarding their dispute of an additional rent increase by the landlords pursuant to section 43.

While the tenant KA attended the hearing by way of conference call, the landlords did not. I waited until 11:10 a.m. to enable the landlords to participate in this scheduled hearing for 11:00 a.m. The tenant was given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses.

At the beginning of the hearing the tenant indicated that she had moved out on January 14, 2018. As this tenancy has now come to an end, the tenants' entire application to Notice was withdrawn by the tenant with the exception of the filing fee.

The tenants requested to recover the filing fee for this application. 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 tenants are not entitled to recover the \$100.00 filing fee paid for this application. The tenants must bear the cost of this filing fee, and therefore the tenants' application to recover the filing fee is dismissed without leave to reapply.

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 22, 2018

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Residential Tenancy Branch