



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      CNC, FF

### Introduction

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

- cancellation of the landlords' 1 Month Notice to End Tenancy for Cause ("1 Month Notice"), pursuant to section 47; and
- authorization to recover the filing fee for this application, pursuant to section 72.

The two landlords did not attend this hearing, which lasted approximately 20 minutes. The tenant attended the hearing and was given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses.

The conference began at 11:00 a.m. and the tenant called in late at 11:09 a.m. The hearing ended at approximately 11:20 a.m.

At the outset of the hearing, the tenant informed me that he wanted to withdraw his application to cancel the landlords' 1 Month Notice but he wanted to recover his \$100.00 application filing fee. He said that the landlords revoked their 1 Month Notice so he did not need to cancel it.

I notified the tenant that if he wanted to recover the application filing fee, he would be required to proceed with the hearing and prove his claim because the filing fee was a discretionary award issued after a hearing on the merits. I informed him that withdrawing his application and not proceeding with this hearing did not entitle him to recover his filing fee.

The tenant became upset and agitated by my comments, asking me what he should do. I notified him that I could not provide him with legal advice about what to do in the hearing, since I was not his lawyer. I notified him that my role as an Arbitrator was to make a decision regarding his application, not to advocate on his behalf.

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 the tenant's application, I dismiss the tenant's application to recover the \$100.00 filing fee without leave to reapply. The tenant must bear the cost of this filing fee.

Before closing the hearing, I notified the tenant that his application to recover the filing fee was dismissed without leave to reapply.

### Conclusion

The tenant's application to recover the \$100.00 application filing fee is dismissed without leave to reapply.

The tenant's application to cancel the landlords' 1 Month Notice is withdrawn.

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: March 26, 2018

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Residential Tenancy Branch