Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes   CNR, OLC, LRE, LAT, FF

Introduction

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

- cancellation of the landlord's 10 Day Notice to End Tenancy for Unpaid Rent or Utilities ("10 Day Notice"), pursuant to section 46;
- an order requiring the landlord to comply with the *Act*, *Residential Tenancy Regulation* or tenancy agreement, pursuant to section 62;
- an order to suspend or set conditions on the landlord's right to enter the rental unit, pursuant to section 70;
- authorization to change the locks to the rental unit, pursuant to section 70; and
- authorization to recover the filing fee for this application, pursuant to section 72.

"Tenant SM" did not attend this hearing, which lasted approximately 52 minutes, as the parties were attempting to settle their tenancy issues. Tenant JM ("tenant") and the landlord attended the hearing and were each given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses.

At the outset of the hearing, the tenant confirmed that the tenants had vacated the rental unit. He stated that he did not require the relief in the tenants' application, except that he wanted to recover the $100.00 application filing fee.

As the filing fee is a discretionary award issued by an Arbitrator usually when a party is fully successful on the merits of their application after a full hearing, I decline to award the $100.00 application filing fee to the tenants as they did not pursue their application at this hearing.

<u>Conclusion</u>

The tenants' entire application 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: April 12, 2018

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Residential Tenancy Branch