



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      CNR LRE PSF 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 ("10 Day Notice") pursuant to section 46; an order that the landlord provide laundry facilities or reduce rent pursuant to section 65; an order to set conditions on the landlord's right to enter the rental unit pursuant to section 70; and authorization to recover the filing fee pursuant to section 72.

Both parties attended this hearing. At the outset of the hearing, the tenant provided undisputed evidence that he has vacated the rental unit. Therefore, the tenant withdrew his application to cancel the landlord's 10 Day Notice and for a determination with respect to the provision of laundry services as well as the landlord's right to enter the rental unit. The tenant testified that he still sought to recover his filing fee for this application. Both parties (1 tenant and 2 landlords) were given an opportunity to provide submissions on the issue of whether the tenant is entitled to recover his \$100.00 filing fee for this application from the landlords.

### Recovery of the Filing Fee: Facts & Analysis

The landlords served the tenant with a 10 Day Notice to End Tenancy. The tenant did not apply within 5 days of its receipt – he testified that he was out of town. The tenant has now vacated the rental unit and therefore there is no decision to be made with respect to the continuation of the tenancy or the landlords' right to enter the rental unit. However, the tenant sought to recover the filing fee for this application against the landlords.

In most but not all applications for dispute resolution, the successful party to a dispute resolution application will be awarded the filing fee for their application. That fee will be paid by the other party. In this case, the application itself was moot and I did not hear

sufficient evidence to warrant ordering the landlords to pay the tenant's filing fee. I find that the tenant should bear the cost of his own application.

There were a variety of options available to the tenant on receipt of a Notice to End Tenancy. As it was the tenant's actions by moving out of the rental unit that lead to the lack of necessity for an application and subsequent hearing, I find that tenant should bear the cost of his own filing fee. I also note that, while the tenant suggests the landlords were unreasonable in reaching any agreement to end the tenancy, I find that I have been provided with insufficient evidence by the tenant to show that the landlords failed to act in accordance with the Residential Tenancy Act in issuing their notice to end tenancy. Again, therefore, the filing fee must be borne by the applicant – the tenant.

I dismiss the tenant's application for recovery of his filing fee.

### Conclusion

The applicant withdrew his application to cancel the landlord's 10 Day Notice to End Tenancy, to set conditions on the landlord's right to enter the property and to provide laundry facilities.

I dismiss the application to recover the filing fee without leave to appeal.

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 27, 2018

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Residential Tenancy Branch