



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      CNL, FFT

### Introduction

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

- cancellation of the landlords' 2 Month Notice to End Tenancy for Landlord's Use of Property ("2 Month Notice"), pursuant to section 49; and
- authorization to recover the filing fee for this application, pursuant to section 72.

"Tenant EP" and the landlord did not attend this hearing, which lasted approximately 12 minutes. Tenant RB ("tenant") attended the hearing and was 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 informed me that the tenants had moved out of the rental unit so they no longer needed to cancel the landlord's 2 Month Notice but they wanted to recover the \$100.00 application filing fee.

I notified the tenant that the filing fee was a discretionary award issued by an Arbitrator usually after a hearing is held and the applicants are successful on the merits of the application. As I was not required to make a decision on the merits of the tenants' application, I informed the tenant that the tenants were not entitled to the filing fee.

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: September 21, 2018

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Residential Tenancy Branch