



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding RAAMCO INTERNATIONAL PROPERTIES CANADA LTD. and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes CNR, FFT

Introduction

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

- cancellation of the landlord's 10 Day Notice to End Tenancy for Unpaid Rent, dated December 7, 2018 ("10 Day Notice"), pursuant to section 46; and
- authorization to recover the filing fee for this application, pursuant to section 72.

The landlord's agent ("landlord") and the tenant attended the hearing and were each given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses. The landlord confirmed that he was the resident manager for the landlord company named in this application and that he had permission to speak on its behalf at this hearing.

The hearing began at 11:00 a.m. with only me and the landlord and present. The tenant called in late at 11:02 a.m., then disconnected at 11:03 a.m., and then reconnected at 11:04 a.m. I informed the tenant about what occurred in her absence. The hearing ended at 11:14 a.m.

The landlord confirmed receipt of the tenant's application for dispute resolution hearing package. In accordance with sections 89 and 90 of the *Act*, I find that the landlord was duly served with the tenant's application.

The landlord confirmed that the 10 Day Notice was cancelled and he was not pursuing an order of possession against the tenant. He said that he informed her about this prior to the hearing. The tenant said that she received something in writing from the landlord confirming the above but it took six weeks after she filed this application.

I notified the tenant that her application to recover the \$100.00 filing fee was dismissed without leave to reapply. I informed her that the filing fee was a discretionary award issued to a successful party after a full hearing on the merits. As the tenant did not pursue her application at this hearing and I was not required to have a full hearing and make a decision, I decline to award the filing fee to the tenant.

Conclusion

The landlord's 10 Day Notice, dated December 7, 2018, is cancelled and of no force or effect.

The landlord is not entitled to an order of possession.

This tenancy continues until it is ended in accordance with the *Act*.

The tenant's application to recover the \$100.00 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: February 05, 2019

Residential Tenancy Branch