



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding STERLING MANAGEMENT SERVICES  
LTD and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      CNR   OLC   FF

This hearing was convened pursuant to the Tenant's Application for Dispute Resolution made on April 10, 2019 (the "Application"). The Tenant applied for the following relief pursuant to the *Residential Tenancy Act* (the "Act"):

- an order cancelling a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities, dated April 8, 2019 (the "10 Day Notice");
- an order that the Landlord comply with the *Act*, regulation, and/or the tenancy agreement; and
- an order granting recovery of the filing fee.

The Tenant attended the hearing on her own behalf. The Landlord was represented at the hearing by R.H., an agent. The Tenant and R.H. provided affirmed testimony.

During the hearing, the Tenant and R.H. confirmed the 10 Day Notice was issued in error and was withdrawn. I accept the Landlord's withdrawal of the 10 Day Notice and find that the tenancy will continue until otherwise ended in accordance with the *Act*.

In addition, the Tenant sought to recover the filing fee paid to make the Application. R.H. advised that the Tenant was notified the 10 Day Notice was withdrawn, but the Tenant testified this was not until after the Application was made. I note the Application was made only 2 days after receipt of the 10 Day Notice and find it was reasonable for the Tenant to file the Application in response. Therefore, I find the Tenant is entitled to recover the \$100.00 filing fee paid to make the Application, which I order may be withheld from a future rent payment at the Tenant's discretion.

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: May 28, 2019

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Residential Tenancy Branch