



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding 1743 PENDRELL LTD and  
[tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      CNC, LRE, AS, FFT, O

### Introduction

This hearing dealt with the Applicants' request for:

- cancellation of the Respondent's 1 Month Notice to End Tenancy for Cause (the 1 Month Notice) pursuant to section 47;
- an order to suspend or set conditions on the Respondent's right to enter the rental unit pursuant to section 70;
- an order allowing the Applicant to assign or sublet because the Respondent's permission has been unreasonably withheld pursuant to section 65; and
- authorization to recover the filing fee for this application from the Respondent pursuant to section 72. and
- other unspecified remedies.

Both parties attended the hearing and were given a full opportunity to be heard, to present their sworn testimony, to make submissions, to call witnesses and to cross-examine one another. As the Applicant confirmed that they received the 1 Month Notice placed in the mail slot of the premises on July 31, 2019 by the Applicant's representative who attended this hearing, I find that the Applicants were duly served with this Notice. As the Respondent confirmed that they were handed a copy of the dispute resolution hearing package on August 19, 2019, I find that the Respondent was duly served with this package.

At the commencement of this hearing, legal counsel for the Respondent withdrew the 1 Month Notice, advising that the Respondent now realized that this Notice had been issued in error.

Since the Respondent was no longer planning to proceed with an eviction based on the 1 Month Notice, the Applicant withdrew their application for dispute resolution with the exception of their application to obtain the recovery of their filing fee for this application.

As the Respondent and the Respondent's legal counsel did not object to the Applicant's request for recovery of the \$100.00 filing fee, I allow that portion of this application for dispute resolution.

Conclusion

I issue a monetary Order in the Applicants' favour enabling the Applicants to obtain a return of their \$100.00 filing fee, as their application was necessitated by the Respondent's 1 Month Notice.

All other portions of this application are hereby withdrawn.

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 13, 2019

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Residential Tenancy Branch