



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding Duke Limited Partnership  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      RR, FFT

### Introduction

This hearing was scheduled to deal with a tenant's application for authorization to reduce rent payable and recovery of the filing fee paid for the application, via teleconference call.

At the commencement of the hearing, the tenant's legal counsel and the landlord's legal counsel appeared.

The tenant's legal counsel requested the application be withdrawn and without leave to reapply.

The landlord's legal counsel had no objection to the request for withdrawal of the application without leave to reapply but pointed out she was informed of this only five minutes prior to the hearing and submitted the landlord is entitled to recovery of costs incurred to prepare for this hearing. Landlord's legal counsel pointed to section 59(2)(c) of the Act. Section 59(2)(c) requires the applicant to pay a filing fee when making the application.

Section 72 of the Act provides for repayment of the filing fee by the other party:

- 72** (1) The director may order payment or repayment of a fee under section 59 (2) (c) *[starting proceedings]* or 79 (3) (b) *[application for review of director's decision]* by one party to a dispute resolution proceeding to another party or to the director.

In this case, the tenant paid the filing fee when he made the Application for Dispute Resolution and the tenant is not seeking recovery of the filing fee. Nor, do I order the landlord to repay the tenant the filing fee.

As for costs associated to preparing for or participating in a dispute resolution proceeding, the Act does not provide for recovery of such costs except for the filing fee and, as explained above, the tenant is the party that shall bear the cost of the filing fee. Therefore, I did not consider the landlord's legal counsel's position any further and I concluded the hearing.

### Conclusion

The tenant's application was withdrawn, without leave to reapply.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: June 25, 2020

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Residential Tenancy Branch