



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: CNC FFT

Introduction

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

- cancellation of the landlord's 1 Month Notice to End Tenancy for Cause (the 1 Month Notice) pursuant to section 47; and
- authorization to recover the filing fee for this application from the landlord, pursuant to section 72 of the *Act*.

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.

The landlord confirmed receipt of the tenant's application for dispute resolution ('application'). In accordance with section 89 of the *Act*, I find that the landlord duly served with the tenants' application. As both parties confirmed receipt of each other's evidentiary materials, I find that these documents were duly served in accordance with section 88 of the *Act*.

The tenants acknowledged receipt of the 1 Month Notice to End Tenancy for Cause, which was posted on their door on October 2, 2020. In accordance with sections 88 and 90 of the *Act*, I find the tenants deemed served with the 1 Month Notice on October 5, 2020, 3 days after posting.

After discussing the matter with both parties, the landlord confirmed that he wished to withdraw the 1 Month Notice dated October 1, 2020. Accordingly, the 1 Month Notice dated October 1, 2020 is cancelled, and is no longer of any force or effect. The tenants' application to cancel this 1 Month Notice is therefore cancelled.

The filing fee is a discretionary award issued by an Arbitrator usually after a hearing is held and the applicant is successful on the merits of the application. As I was not required to make a decision on the merits of this case, I find that the tenants are not entitled to recover the \$100.00 filing fee paid for this application. The tenants must bear the cost of this filing fee.

The tenants requested information on payment of rent and utilities. The following links may provide further clarity on payment of rent and utilities, in consideration of the current ministerial orders in place:

https://www.bclaws.ca/civix/document/id/complete/statreg/00_02078_01#section46

<https://www2.gov.bc.ca/gov/content/housing-tenancy/residential-tenancies/covid-19>

<https://www2.gov.bc.ca/assets/gov/housing-and-tenancy/residential-tenancies/forms/rtb14.pdf>

<https://www2.gov.bc.ca/assets/gov/housing-and-tenancy/residential-tenancies/policy-guidelines/gl52.pdf>

<https://www2.gov.bc.ca/assets/gov/housing-and-tenancy/residential-tenancies/temporary/covidreg3-579-2020.pdf>

If either party has any questions they may contact an Information Officer with the Residential Tenancy Branch at:

Lower Mainland: 604-660-1020

Victoria: 250-387-1602

Elsewhere in BC: 1-800-665-8779

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: November 20, 2020

Residential Tenancy Branch