



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes ERP FFT

Introduction

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

- an order to the landlord to make repairs or emergency repairs to the rental unit pursuant to section 33;
- authorization to recover the filing fee for this application from the landlord, pursuant to section 72 of the *Act*.

JB, owner of the property, attended for the landlord in this hearing, while DT appeared for the tenants.

At the outset of the hearing, the tenant confirmed that the repairs have been completed, and that this hearing can be cancelled as the matter has been resolved. Accordingly, the tenant's application is cancelled, and no findings will be made on the merits of the tenants' application.

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 tenant also inquired about the return of the USB device submitted for this hearing. The tenant may contact the RTB or Service BC about the status of evidence that has been submitted for a hearing. I note that the RTB Rules of Procedure states the following about evidentiary materials submitted for a hearing:

3.0.5 Residential Tenancy Branch will not return copies

The Residential Tenancy Branch will not return copies of evidence submitted during the dispute resolution process.

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: January 14, 2022

Residential Tenancy Branch