



# 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 adjourned application for Dispute Resolution by the Tenants filed under the *Residential Tenancy Act* (the “Act”) to cancel a One-Month Notice to End Tenancy for Cause (the “Notice”) issued on June 2, 2021, and to recover the filing fee paid for this application. The matter was set for a conference call.

The Landlord, the Landlord translator (the “Landlord”), and both the Tenants (the “Tenants”) attended the second hearing and were reminded that the affirmation that they provided in the previous proceedings carried forward to today proceedings. The Landlord and the Tenants were provided with the opportunity to present their evidence orally and in written and documentary form and to make submissions at the hearing.

I have reviewed all oral and written evidence before me that met the requirements of the Rules of Procedure. However, only the evidence relevant to the issues and findings in this matter are described in this Decision.

### Issues to be Decided

- Should the Notice issued on June 2, 2021, be cancelled?
- If not, is the Landlord entitled to an order of possession?
- Are the Tenants entitled to the return for their filing fee for this application?

### Preliminary Matter

During these proceedings, the Landlord stated that they were not prepared to continue in their testimony regarding the Notice they issued. The Landlord testified that they are withdrawing their Notice to End Tenancy.

The Tenants agreed to the Landlord's withdrawal of the Notice to End Tenancy.

### Analysis

I find that the Notice to End Tenancy has been withdrawn.

Section 72 of the Act gives me the authority to order the repayment of a fee for an application for dispute resolution. As the Tenants have been successful in their application to dispute the Notice, I find that the Tenants are entitled to recover the \$100.00 filing fee paid for this application.

The Tenants are granted permission to take a one-time deduction of \$100.00, from their next month's rent in satisfaction of this award.

### Conclusion

The One Month Notice dated June 2, 2021 has been withdrawn by the Landlord and is of no effect under the *Act*. The tenancy will continue until ended in accordance with the Act.

I grant the Tenants permission to take a one-time deduction of \$100.00 from their next month's rent in recovery of their filing fee for these proceedings.

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: February 24, 2022

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Residential Tenancy Branch