



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      CNL FFT

### Introduction

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

- cancellation of the landlord's 2 Month Notice to End Tenancy for Landlord's Use of Property (the "2 Month Notice") pursuant to section 49; and
- authorization to recover the filing fee for this application from the landlord pursuant to section 72.

Both parties were represented at the hearing and were given a full opportunity to be heard.

At the outset of the hearing the parties confirmed that the 2 Month Notice has been withdrawn and there is no further need for the portion of the application seeking cancellation of the Notice.

The tenant made a request for recovery of the filing fee for this application.

Pursuant to section 72 of the Act, the director may order recovery of filing fees. This award is generally reserved for parties who are successful in a meritorious application.

In the present case as the 2 Month Notice was cancelled and withdrawn there is no need for a hearing. I find the tenant's failure to withdraw their application prior to the scheduled hearing date when the matter has been resolved to waste the limited resources of the Branch, occupy a hearing slot causing other more meritorious matters to be delayed in being heard, inconveniences the respondents and be conduct worthy of

censure and rebuke. I therefore find the tenant is not entitled to recovery of their filing fees.

Conclusion

The application is dismissed in its entirety 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: May 19, 2022

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Residential Tenancy Branch