



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC, RP, FFT

Introduction

This hearing was convened by way of conference call in response to an Application for Dispute Resolution filed by the Tenants May 03, 2022 (the “Application”). The Tenants applied as follows:

- To dispute a One Month Notice to End Tenancy for Cause dated April 27, 2022 (the “Notice”)
- For a repair order
- To recover the filing fee

The Landlord appeared at the hearing. The Tenant appeared at the hearing late. I explained the hearing process to the parties. I told the parties they are not allowed to record the hearing pursuant to the Rules of Procedure (the “Rules”).

Repair Order

Pursuant to rule 2.3 of the Rules, I told the Tenant at the outset of the hearing that I would consider the dispute of the Notice and request for the filing fee but dismiss the request for a repair order because it is not sufficiently related to the dispute of the Notice. The request for a repair order is dismissed with leave to re-apply. This decision does not extend any time limits set out in the *Residential Tenancy Act* (the “Act”).

Tenancy Agreement

The parties agreed there is a tenancy agreement covered by the *Act* between them.

Cancellation of the Notice

After explaining the hearing process to the parties, the Landlord asked if the hearing could occur without them. I told the Landlord the hearing could not occur without them because they have the onus to prove the Notice pursuant to rule 6.6 of the Rules. The Landlord said the Notice can be cancelled. Given this, the Notice is cancelled. The tenancy will continue until otherwise ended in accordance with the *Act*.

Filing Fee

The Tenant asked if they would be awarded their filing fee and I told the Tenant they would because they have been successful in the Application. The Landlord said they are fine with paying the Tenants the \$100.00 filing fee. Given this, pursuant to section 72(2) of the *Act*, the Tenants can deduct \$100.00 from their next rent payment.

Conclusion

The Notice is cancelled.

The Tenants can deduct \$100.00 from their next rent payment.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the *Act*.

Dated: September 02, 2022

Residential Tenancy Branch