



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 an application by the tenants pursuant to the Residential Tenancy Act ("Act") for orders as follows:

- cancellation of the landlords' One Month Notice to End Tenancy for Cause ("One Month Notice") pursuant to section 47
- reimbursement of the filing fee pursuant to section 72

Both parties attended the hearing with the landlord represented by an agent NW, while the tenants were represented by tenant AH. All parties were given a full opportunity to be heard, to present testimony, to make submissions, and to call witnesses.

Both parties confirmed they were not recording the hearing pursuant to Rule of Procedure 6.11. The parties were affirmed.

The tenants confirmed receipt of the One Month Notice dated October 24, 2022. Pursuant to section 89 of the Act the tenant is found to have been served with this notice in accordance with the Act.

The parties each testified that they received the respective materials and based on their testimonies I find each party duly served in accordance with sections 88 and 89 of the Act.

Preliminary Matter

Both the landlord and tenants were incorrectly named. Pursuant to section 64(3)(c) and with consent of the parties I have amended the application accordingly.

Analysis

At the outset of the hearing the landlord advised that they were withdrawing their One Month Notice. The tenants through their agent accepted the withdrawal of the One Month Notice. The tenants' application for dispute resolution is withdrawn as the issue is now moot.

The tenant is entitled to recover their filing fee of \$100.00 in respect of this matter as although the landlord offered to withdraw the One Month Notice prior to the hearing, the tenant disputed the One Month Notice by filing an application which required a filing fee.

Conclusion

The tenancy shall continue until it is ended in accordance with the Act. The tenant is entitled to deduct \$100.00 from one month's rent on a one time basis.

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 10, 2023

Residential Tenancy Branch