



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC, FFT

Introduction

This hearing was scheduled to deal with a tenant's application to cancel a One Month Notice to End Tenancy for Cause ("One Month Notice") dated September 12, 2022.

The tenant appeared along with an Advocate. The landlord was represented by a person who described herself as assisting the deceased landlord's representative.

Shortly after the hearing commenced, I heard from the landlord's representative's assistant that the landlord has died and the landlord's representative seeks to withdraw the One Month Notice. The tenant consented to withdrawal of the One Month Notice.

The tenant requested recovery of the filing fee. The landlord's representative's assistant indicated she had not been given authority to deal with that matter.

I informed the parties that since the tenant had filed this application to dispute the One Month Notice, at a cost of \$100.00, and the landlord's representative was withdrawing the One Month Notice, I would award the tenant recovery of the filing fee. The tenant requested that the filing fee be recovered by way of a deduction from her rent payment. There was no objection from the landlord's representative's assistant and she stated she would pass the information on to the bookkeeper.

The name of the landlord was not amended as the correct naming of the landlord is not known at this time.

Conclusion

The One Month Notice is withdrawn by mutual consent and the tenancy continues at this time.

Pursuant to section 72 of the Act, I award the tenant recovery of the \$100.00 filing fee and **I authorize the tenant to satisfy this award by deducting \$100.00 from a subsequent month's rent.** In making this \$100.00 deduction the landlord must consider the rent to be paid in full.

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 03, 2023

Residential Tenancy Branch