



# Dispute Resolution Services

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Residential Tenancy Branch  
Ministry of Housing

A matter regarding Eastleigh Village Apartment Inc  
and [tenant name suppressed to protect privacy]

## **DECISION**

**Dispute Codes**      CNR, FFT

### **Introduction**

On 6 March 2023, the tenant applied to the Residential Tenancy Branch [the 'RTB'] for Dispute Resolution. The tenant asks for the following orders against the landlord.

1. Cancellation of a 10-day Notice to End Tenancy for unpaid rent [the 'Notice'].
2. Reimbursement for the \$100.00 filing fee for this application.

The tenant appeared at the hearing on 30 March 2023. The landlords also appeared, by way of an agent.

### **Issue(s) to be Decided**

During the hearing, the landlords consented to the first part of the tenant's application. That is, the landlords consented to the cancellation of their Notice.

That leaves me with deciding whether or not the tenant is entitled to have the landlords reimburse them for the filing fee for this application.

### **Background and Evidence**

The landlords issued their Notice immediately on not receiving rent from the tenant on 1 March. The landlords agreed that by 2 March they received the outstanding rent.

The tenant contacted the landlords about the Notice, shortly after receiving it. The tenant asked the landlords about what to do about the Notice, and they told them that

everything they needed to know about the Notice was, 'in the paperwork'. In other words, the landlords would not confirm that they would cancel the Notice.

And so the tenant filed their application on 6 March.

According to the tenant, the landlords would not confirm receipt of the rent in writing until 17 March. The landlords did not dispute this. But they told me that when they received notice of this application on 24 March, they contacted the tenant. They advised the tenant that they had, 'no case', and should abandon their application, and that if they did, then perhaps they could recover their filing fee.

### Analysis

I find that because of the coy response of the landlords to the tenant's enquiry about the Notice after receiving it (*i.e.* whether it would be cancelled); and the tardiness with which the landlords confirmed payment of the rent they alleged was outstanding, the tenant was left with little reassurance as to the state of their tenancy. Filing their application was the only means of protecting their interests faced with the lack of information from the landlords.

Also, the landlords also conceded the tenant's application to cancel the Notice.

I find, therefore, that the landlords must bear the cost of putting the tenant through the application process.

### Conclusion

I order that the landlords must reimburse the tenant \$100.00 for the filing fee, *per* section 72 (1) of the *Residential Tenancy Act*. To more easily effect this order, I authorise the tenant to reduce their next rent payment by the amount of \$100.00.

I make this decision on authority delegated to me by the Director of the RTB *per* section 9.1(1) of the Act.

Dated: 3 April 2023