



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing

A matter regarding 1034076 BC Ltd.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes CNC, FFT

Introduction

This hearing dealt with an Application for Dispute Resolution by the Tenants filed under the *Residential Tenancy Act* (the “Act”), to cancel One Month Notice to End Tenancy for Cause, (the “Notice”) dated January 13, 2023, and to recover the filing fee for their application.

An Agent of the Landlord (the “Landlord”) and the Tenant’s Advocate (the “Tenant”) attended the hearing and were each affirmed to be truthful in their testimony. Both parties were provided with the opportunity to present their evidence orally and in written and documentary form, and to make submissions at the hearing.

I have reviewed all oral and written evidence before me that met the requirements of the Rules of Procedure. However, only the evidence relevant to the issues and findings in this matter is described in this Decision.

Issues to be Decided

- Should the Notice dated January 13, 2023, be cancelled?
- If not, is the Landlord entitled to an order of possession?
- Are the Tenants entitled to the return of their filing fee?

Background and Evidence

At the outset of this hearing, the Landlord withdrew the Notice to End tenancy, stating that they no longer wished to enforce the Notice.

The Tenant was agreeable to the Landlord withdrawing their Notice to End Tenancy.

Analysis

I find that the Notice to End tenancy has been withdrawn.

Section 72 of the Act gives me the authority to order the repayment of a fee for an application for dispute resolution. As the Tenant has been successful in their application to dispute the Notice, I find that the Tenant is entitled to recover the \$100.00 filing fee paid for this application. The Tenant is granted permission to take a one-time deduction of \$100.00, from their next month's rent in satisfaction of this award.

Conclusion

The One Month Notice dated January 13, 2023, has been withdrawn by the Landlord and is of no effect under the *Act*. The tenancy will continue until ended in accordance with the Act.

I grant the Tenants permission to take a one-time deduction of \$100.00, from their next month's rent.

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 12, 2023

Residential Tenancy Branch