



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

This hearing dealt with the tenant's application pursuant to the *Residential Tenancy Act* (the "Act") for:

- cancellation of a One Month Notice to End Tenancy For Cause, pursuant to section 47;
- an order requiring the landlord to comply with the Act, regulation or tenancy agreement pursuant to section 62;
- authorization to recover the filing fee for this application from the landlord pursuant to section 72.

The hearing was conducted by conference call. All named parties attended the hearing. This hearing was reconvened from the original June 12, 2023, hearing date as more time was required to conduct the hearing.

Preliminary Issue – Scope of Application

Residential Tenancy Branch Rules of Procedure, Rule 2.3 states that, if, in the course of the dispute resolution proceeding, the Arbitrator determines that it is appropriate to do so, the Arbitrator may sever or dismiss the unrelated disputes contained in a single application with or without leave to apply.

Aside from the application to cancel the Notice to End Tenancy, I am exercising my discretion to dismiss the remainder of the issues identified in the tenants' application with leave to reapply as these matters are not related. Leave to reapply is not an extension of any applicable time limit.

Withdrawal of One Month Notice to End Tenancy for Cause

At the outset of the adjourned hearing, the Landlord advised that he was withdrawing the One Month Notice subject to this dispute and that he would instead be issuing the tenants with a Two Month Notice for Landlord Use of Property.

Accordingly, the One Month Notice to End Tenancy dated April 22, 2023 is withdrawn and the tenancy continues until it is ended in accordance with the *Act*.

As the tenants incurred a \$100.00 filing fee to dispute the One Month Notice which was subsequently withdrawn by the landlord, I find the tenants are entitled to recover the filing fee from the landlord. The tenants may deduct \$100.00 from a future 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 *Residential Tenancy Act*.

Dated: August 03, 2023

Residential Tenancy Branch