



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding HFBC Housing Foundation  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      CNR FF

### Introduction

This hearing convened pursuant to the tenant's application to cancel a notice to end tenancy for unpaid rent. The tenant, the tenant's advocate and an agent for the landlord participated in the teleconference hearing.

At the outset of the hearing the parties confirmed that the issue of the notice to end tenancy had been resolved, and the only outstanding issue was whether the tenant was entitled to recovery of the filing fee for the cost of her application.

### Issue(s) to be Decided

Is the tenant entitled to recovery of the filing fee?

### Background and Evidence

On August 2, 2013 the landlord served the tenant with a notice to end tenancy for unpaid rent in the amount of \$50. On August 7, 2013 the tenant applied to cancel the notice, on the basis that she was authorized in a decision of the director dated July 11, 2013 to withhold \$50 from her next month's rent. On August 8, 2013 the landlord wrote to the tenant confirming that the tenant was entitled to deduct \$50 from her rent, and asked her to disregard the notice to end tenancy dated August 2, 2013.

The tenant stated that she should be entitled to recover the filing fee for the cost of her application, as there was a very short time between receiving the notice and applying to dispute it. The oversight in serving the notice and forcing the tenant to file was that of the landlord.

The landlord acknowledged that they made a mistake, but they felt that the hearing was unnecessary.

Analysis

Based on the evidence I find that the tenant is entitled to recovery of the filing fee for the cost of her application. The landlord did not withdraw the notice until after the tenant served the landlord with her application to dispute the notice. Further, as the tenant stated, she would have been deemed to have accepted the notice if she had not disputed it in time.

Conclusion

The tenant is entitled to recovery of her filing fee of \$50. She may withhold this amount from her 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: October 7, 2013

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Residential Tenancy Branch

