



# Dispute Resolution Services

Residential Tenancy Branch  
Office of Housing and Construction Standards  
Ministry of Housing and Social Development

## Decision

Dispute Codes: RPP MNDC

## Introduction

This hearing dealt with an application by the tenant for a monetary order for compensation for loss, and an order that the landlord return the tenant's personal property. The tenant and landlords all submitted documentary evidence and provided affirmed testimony in the teleconference hearing.

## Issue(s) to be Decided

Is the tenant entitled to a monetary order or an order that the landlord return personal property?

## Background and Evidence

The tenant rents a basement suite in a house. The upper portion of the house is a separate rental unit that is currently unoccupied and was unoccupied in January 2009. To gain entry to the tenant's unit, one must unlock an exterior door to the house, and then go into the common area of the basement, where the door to the tenant's unit is located, and unlock that door.

The tenant's evidence was as follows. On January 3, 2008, the tenant left a note on the door for the landlord, and then he left home for several hours. In his note the tenant expressed his displeasure with having to deal with the son of the landlord, and wrote words to the effect that if the situation continued, he didn't want to live. The tenant's testimony was that this statement absolutely did not mean that he was suicidal. When the tenant returned home several hours later, he found the door to his suite broken in. The tenant also stated, later in the hearing, that the exterior basement door was also ajar when he came home. The landlord did not fix the broken door of the rental unit

until the next day. The tenant discovered that several of his DVDs and music CDs were missing. The tenant believes that the landlord had no authority to enter his suite, and it is due to the landlord's delay in fixing the door that the tenant's CDs and DVDs were stolen. The tenant has applied for a monetary order for \$2000 to replace the CDs and DVDs, or an order that the landlords return his personal property.

The evidence of the landlords was as follows. On January 3, 2009, the landlords' son attended at the rental property to do some work outside, and he came across the tenant's note. Their son called them, and told them about the note. The landlords became concerned that the tenant had committed suicide, and they called the police. When the police arrived, the landlords were unable to find a key to the tenant's rental unit, so the police kicked the door down. The landlord's testimony was that he closed and locked the exterior door after the police left, and that only the landlord, the landlord's son and the tenant have keys to the house. The landlord's response to the tenant's claim was that the tenant did not provide any receipts or a police report for theft.

### Analysis

In considering all of the documentary and testimonial evidence, I find that the tenant has not provided sufficient evidence to establish that the landlord removed any of the tenant's personal property or acted so as to cause the tenant any loss.

### Conclusion

The tenant's application is dismissed.

Dated February 5, 2009.