

Dispute Resolution Services

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

DECISION AND REASONS

Dispute Codes:

MND, MNR, RPP, MNDC, MNSD, FF.

Introduction.

This hearing dealt with applications by the landlord and the tenant, pursuant to the *Residential Tenancy Act*.

The landlord applied for a monetary order for the cost of repairs, loss of income, compensation under the *Act*, to retain the security deposit and to recover the filing fee.

The tenant applied for the return of his personal property including one vehicle.

This matter was initially heard on April 08, 2009 and was reconvened to be heard on this date. Both parties attended the hearing and were given full opportunity to present evidence and make submissions.

Issues to be decided

Is the landlord entitled to a monetary to recover the cost of repairs, loss of income, compensation and the filing fee?

Background and Evidence

The tenancy started on September 01, 2008 for a fixed term of one year. The monthly rent was \$2975 payable on the first of each month. The tenant used part of the rental unit for an office and residence of his employee. The tenant failed to pay rent for January and the landlord served the tenant with a ten day notice to end tenancy with an effective date of January 31, 2009.

The tenant was out of the country and the other occupant of the rental unit was out of the province. The other occupant made arrangements to move his belongings on January 23, 2009 and contacted the landlord to advise him that he would return on

January 26, 2009. The landlord stated that he changed the locks on January 23, 2009 to protect the contents of the home and later moved the contents along with the tenant's vehicle into storage.

The landlord is claiming costs involved to remove and store these items, unpaid rent, cleaning, repairs and miscellaneous expenses in the amount of \$22,865.34. The tenant is applying for the return of his personal belongings.

Analysis

Pursuant to Section 63 of the *Residential Tenancy Act*, the dispute resolution officer may assist the parties settle their dispute and if the parties settle their dispute during the dispute resolution proceedings, the settlement may be recorded in the form of a decision or an order.

During this hearing, the parties reached an agreement to settle these matters, on the following conditions:

1. The tenant will pay the landlord \$168.00 which was the cost to tow the vehicle to storage.
2. The landlord will release into the tenant's possession, the vehicle and the tenant's personal belongings as per the list that the tenant has provided in his application.

The parties agreed that this comprises **full and final settlement of all aspects** of this claim.

Conclusion

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I grant the landlord an order under section 67 of the *Residential Tenancy Act* for the amount of \$168.00. This order may be filed in the Small Claims Court and enforced as an order of that Court.

I grant the tenant an order directing the landlord to return to the tenant, the tenant's possessions including a vehicle that the landlord is holding in storage.

Dated May 14, 2009.

Dispute Resolution Officer