



Dispute Resolution Services

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

Decision

Dispute Codes: OPR, MNR, MNDC, MNSD, FF

Introduction

This hearing dealt with two applications: 1) from the landlord for a monetary order as compensation for loss under the Act, and recovery of the filing fee; 2) from the tenant for a monetary order as compensation for loss under the Act. Both parties participated in the hearing and gave affirmed testimony.

Issues to be decided

- Whether either or both parties are entitled to the respective claims, as above

Background and Evidence

The dispute between these parties was previously addressed at a hearing held on March 5, 2009, with a decision issued on March 6, 2009. In part, the decision provided for return of the tenant's security deposit plus interest and recovery of her filing fee. Further, in the decision the dispute resolution officer found that the tenant was "entitled to the return of her possessions and the parties made arrangements during the hearing for a date when those items could be picked up."

Subsequently, however, arrangements made between the parties for the tenant to pick up all her possessions did not unfold as originally planned. In the result, the landlords still retain some of the tenant's belongings in storage within an area located inside the rental unit, while other apparently less sensitive or vulnerable possessions remain stored in the backyard. The landlords seek compensation for costs associated with continued storage of the tenant's possessions, in addition to recovery of the filing fee.

Further, the landlords want the tenant to make arrangements to have all of her remaining possessions removed from their property.

For her part, the tenant seeks compensation for possessions she considers may have been disposed of and / or damaged. The tenant has broadly estimated the value of her claim as follows: "\$3,000.00 for items destroyed outdoors;" "\$3,500.00 for stuff that is indoors," and "\$2,700.00 for camping equipment...") The tenant is unable to confirm which of her possessions remain stored inside, she has provided no receipts confirming the purchase price of any of her possessions, she has submitted no documentation to otherwise support the cost of repairing or replacing any of her possessions, and she has provided no information concerning the age or condition of any possessions at the time the tenancy began on July 1, 2005. The tenancy ended in January 2009.

During the hearing the parties set out their respective views on circumstances giving rise to the on-going dispute. Ultimately, during the hearing the parties undertook to achieve a final settlement of the dispute.

Analysis

Pursuant to section 63 of the Act, discussion between the parties during the hearing led to a resolution of the dispute. Both parties made concessions and in order to bring closure to the dispute the parties agreed as follows:

- that the tenant will attend the unit with a truck on Sunday, June 21, 2009 at 11:00 a.m. in order to pick up all her possessions which are currently stored inside the unit;
- that at this same time, as above, the tenant will pick up all her possessions which she wishes to recover which are presently stored in the backyard of the unit;

- that the landlords will, at their own expense, dispose of any of the tenant's possessions remaining in the backyard **after Sunday, June 21, 2009**, which the tenant no longer wishes to recover or dispose of herself;
- that the landlords withdraw their claim for compensation associated with storage of the tenant's possessions;
- that the landlords withdraw their claim for recovery of the filing fee for this application;
- that the tenant withdraws her claim for compensation associated with alleged loss and / or alleged damage to any of her possessions;
- that the above particulars comprise full and final settlement of all aspects of the dispute for both parties.

Included for the information and reference of the parties is a copy of the entire Part 5 of the *Residential Tenancy Regulation* ("Regulation") – **Abandonment of Personal Property**. The full text of the Act, the Regulation, Fact Sheets, Residential Tenancy Policy Guidelines, forms and more can be accessed via the website:

www.rto.gov.bc.ca/

Conclusion

Pursuant to the agreement reached between the parties, as above, the respective applications of the parties are hereby dismissed.

DATE: June 22, 2009

Dispute Resolution Officer