



Dispute Resolution Services

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

Decision

Dispute Codes: RPP

Introduction

This hearing dealt with the tenant's application for an order instructing the landlord to return her personal property. While the landlord disputed that the tenant had served her with the application for dispute resolution and notice of hearing, both parties participated in the hearing and gave affirmed testimony.

As the tenant's requirement to pay the filing fee was waived, her application for recovery of same is dismissed.

Issue to be decided

- Whether the tenant is entitled to an order, as above

Background and Evidence

As the landlord claimed to be with clients and in a vehicle, and as the focus of the hearing was very narrow, only highly relevant information was sought in relation to the tenancy giving rise to this dispute.

The landlord issued a 10 day notice to end tenancy for unpaid rent dated on or about June 4, 2009. Subsequently, the tenant vacated the unit in mid June. However, prior to the tenant removing all of her personal property from the unit, the landlord changed the locks on the unit. According to the tenant, personal property still being held by the landlord includes a bookshelf, a bed frame, a mattress and box spring. The landlord claimed to be holding these items as collateral for rent that remains unpaid. The landlord stated that she has filed her own application for dispute resolution in order to seek a monetary order against the tenant with regard to the unpaid rent. In the

meantime, the parties were instructed that the tenant's claim to her personal property is a separate matter from the unpaid rent which is properly addressed through a separate hearing yet to be convened.

During this hearing the parties undertook to schedule a time when the tenant could remove all of her personal property which still remains at the unit and is in the landlord's possession.

Analysis

Section 63 of the Act provides that the parties may undertake to settle their dispute during a hearing. Pursuant to this provision, discussion between the parties during the hearing led to a resolution of the limited aspect of the dispute before me. Specifically, it was agreed as follows:

- that the tenant will attend the unit at **9:30 a.m. on Saturday, August 8, 2009**, at which time the landlord will permit the tenant to remove all of her personal property which still remains at the unit and is in the landlord's possession.

Conclusion

Pursuant to the agreement reached between the parties, and according to the particulars set out above, I order the landlord to permit the tenant to remove all of her personal property which still remains at the unit and is in the landlord's possession.

DATE: August 5, 2009

Dispute Resolution Officer