



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes O, (RPP)

Introduction

This matter dealt with an application by the Tenant for an order requiring the Landlord to return his personal possessions.

The Tenant said he served the Landlord with a copy of the Application and Notice of Hearing in person (via courier) on November 11, 2009. I find that the Landlord was served as required by s. 89 of the Act and the hearing proceeded in the Landlord's absence.

Issues(s) to be Decided

1. Is the Landlord required to return the Tenant's personal possessions?

Background and Evidence

This tenancy started on November 1, 2009 and ended on or about November 2, 2009. The Tenant said he was told by a co-Tenant that he could reside in the rental unit rent-free for the month of November 2009 however, the Landlord later advised him that he would have to pay one-half of the rent. The Tenant also claimed that the Landlord would not let him back on the rental property to retrieve his belongings and a member of the RCMP also advised him not to return. The Tenant estimated that his possessions have a value of \$3,500.00.

Analysis

In the absence of any evidence from the Landlord to the contrary, I find that the Landlord has detained the Tenant's personal property without his authorization and without legal authority.

Consequently, I ORDER the Landlord pursuant to s. 65(1) and s. 62(3) of the Act to return the Tenant's personal possessions to him no later than December 15, 2009. If the Landlord fails to do so, the Tenant may apply for a monetary order for compensation for the loss of those possessions upon providing sufficient evidence of their value.



Dispute Resolution Services

Page: 2

Residential Tenancy Branch
Ministry of Housing and Social Development

Conclusion

The Tenant's application for an Order that the Landlord return his personal property is granted. 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: November 27, 2009.

Dispute Resolution Officer