

DECISION

Dispute Codes: MNDC, RPP, OPT, AAT and FF

Introduction

This application was brought by the tenants seeking a Monetary Order for damage or loss under the legislation or rental agreement, return of personal property, an Order of Possession, and recovery of the filing fee for this proceeding.

At the commencement of the hearing, it was determined that the tenants had requested the Order of Possession in error and that part of the claim was withdrawn.

Issues to be Decided

This matter requires a decision on whether the tenants are entitled to an order for return of personal property and a Monetary Order for damage to or loss of personal belongings.

Background and Evidence

This tenancy began on August 1, 2009 and ended on or about November 7, 2009 pursuant to a Notice to End Tenancy for unpaid rent served on November 7, 2009.

This matter has been complicated by the fact that both the landlord couple and the tenant couple separated at material times which apparently resulted in some difficulty in communication among the parties. .

One consequence of that is the fact that the female landlord did not receive a copy of the Notice of Hearing or the tenants' application until two days before the hearing. In addition, neither I or the landlords have photographic evidence the tenants stated they filed with their application

While some parties have been reluctant to provide forwarding addresses, the female landlord and tenant have agreed to ensure that their former partners receive copies of this decision and any other documents pertaining to this dispute.

Analysis

As the landlords acknowledge that they still have some of the tenants' property and that they are anxious and willing for the tenants to retrieve it, it is not possible at this time to fully assess the amount that may remain owing after the goods have been returned.

Therefore, as agreed to by the parties, the tenants will contact the landlords to arrange a mutually agreeable time for the return of the tenants' property.

Conclusion

To give force to that agreement, pursuant to section 65(1)(e) of the *Act*, I hereby order that, when contacted by the tenants, the landlords make a mutually agreeable arrangement with the tenants for them to pick up whatever of their belongings the landlords hold in storage.

As the tenants' have provided insufficient evidence to permit a resolution of this dispute, I decline to order that they recover the filing fee for this proceeding.

The remainder of the tenants' application is dismissed with leave to reapply.