

DECISION

Dispute Codes O, FF

Introduction

This matter dealt with an application by the Landlords for an Order requiring the Tenants to return personal property belonging to the Landlords or in the alternative for compensation for the value of those items and to recover the filing fee for this proceeding.

Following the first day of hearing the Tenants were ordered to return a list of possessions to the Landlords no later than March 31, 2010 failing which the matter would be adjourned to today's date to hear the Landlord's alternative application for compensation for those items. Prior to the end of the hearing the Parties were advised of the adjourned hearing date and were also advised that the dial in codes would be the same for the adjourned hearing. Each of the Parties was also mailed a Notice of Reconvened Hearing confirming the date of the adjourned hearing and the dial in code. Notwithstanding these matters, the Tenants did not attend the adjourned hearing and as a result, the hearing proceeded in their absence.

Issues(s) to be Decided

1. Are the Landlords entitled to compensation for the value of possessions taken by the Tenants and if so, how much?

Background and Evidence

The Landlords claim that following the hearing held on March 10, 2010, the Tenants advised them that they would not return their possessions unless the Landlords withdrew another application for loss of rental income and unpaid utilities (which they were not prepared to do). The Landlords said the Tenants have not returned any of their possessions as they were ordered to do.

Consequently, the Landlords sought compensation for the following items as set out in their evidence package which the Tenants confirmed they received on the first day of the hearing:

- Deacon's bench (\$200.00);
- CD Stand (\$300.00);
- Antique table and mirror (\$250.00);
- Kitchen table, 3 chairs and cushions (\$400.00);
- 4 pieces of framed artwork (\$200.00);
- Hanging tapestry with rod (\$150.00);
- Hallway mirror (\$80.00);

- 3 handmade rustic barn board pictures and frames (\$250.00);
- Wood letter holder (\$50.00);
- Elephant key holder (\$20.00);
- Shower curtain and 2 bath mats (\$60.00);
- Computer desk (\$150.00);
- Chair for computer (\$60.00);
- Hanging solid silver coffee spoon (\$25.00);
- 3 burlap area carpets and underlay (\$600.00);
- Beaded wall art (\$50.00)

Analysis

I find that the Tenants have not returned the Landlords possessions as they were ordered to do on March 10, 2010 and have not applied for a Review of that Decision or Order. In the absence of any evidence from the Tenants regarding the value of the Landlords' belongings, I find that the amounts claimed by the Landlords are reasonable and I award them the total amount of \$2,845.00. I also find pursuant to s. 72 of the Act that the Landlords are entitled to recover their \$50.00 filing fee for this proceeding.

Conclusion

A monetary order in the amount of **\$2,895.00** has been issued to the Landlords and a copy of it must be served on the Tenants. If the amount is not paid by the Tenants, the Order may be filed in the Provincial (Small Claims) Court of British Columbia and enforced as an Order of this Court.

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: April 26, 2010.

Dispute Resolution Officer