

Dispute Codes RPP, MNDC

Introduction

This hearing was convened in response to an application filed by the tenant seeking:

1. The return of personal property;
2. A monetary order for compensation for damage or loss; and
3. Recovery of the filing fee paid for this application.

Both parties appeared at the hearing of this matter and gave evidence under oath.

Background and Evidence

The tenant's agent submits that a relationship between the tenant (RC) and one of the persons named as landlord (CF) ended in January 2010. In his Application for Dispute Resolution RC submits that the landlords evicted him without notice and then withheld his property. RC submits that despite asking numerous times the landlords have refused to return to him: 2 42" LG-LCD television sets, a white dresser, an HP printer, Teac Stereo, DVD player, Wii games, black leather couch/chair, a computer tower, a lawn mower, a cooler quad ramp/trailer, a baker scaffold and a "...sounds around unit." RC submits that the value of the goods withheld by the landlords is \$12,000.00. RC seeks the return of those goods and \$1,000.00 in compensation for damage or loss. RC submits that the \$1,000.00 sought is \$500.00 for compensation for having to live "...without the necessities of life..." and \$500.00 for the costs of relocating and to cover rent he was forced to pay elsewhere as a result of the illegal eviction.

The landlord JF testified that the other person named as landlord (CF) is his daughter and she has a child with RC. To assist his daughter with raising her child JF and his wife allowed their daughter and her child to reside in the basement suite of their home. The landlord testified that RC did reside in the basement suite with his daughter and their child until their relationship ended in January 2010. JF denies that he asked RC

to leave and says that when the relationship between his daughter and RC ended JF told RC he could stay until he found something else. JF says that in spite of this offer, RC chose to leave right away and he moved in with this father. JF submits that RC has never been his tenant, that there has never been a tenancy agreement written or otherwise between them. JF testified that RC never paid rent or a security deposit. The landlord testified that some of the tenant's belongings have already been returned to him and other items that belong to him are awaiting pick up. JF submits that there are some items where ownership is in dispute for instance the 2 televisions sets.

RC's agent admitted that some of RC's goods have now been returned to him but he says not all of the items have been returned.

Analysis

The evidence shows that RC and CF were in a relationship together and have a child together. The couple and their child were residing together in a basement suite owned by CF's parents. Sometime in January 2010 the relationship between RC and CF ended and RC moved and went to live with his father. RC has submitted that a tenancy existed between himself and the persons he has named as landlords and they should compensate him for his losses arising from this "illegal eviction". RC has supplied insufficient evidence to support his claim for a monetary award of \$1,000.00 and the persons he has named as landlords in his application deny that a tenancy ever existed between themselves and RC. On that point RC has also supplied insufficient evidence to show that there was a tenancy such as evidence of the rental payments he made, or evidence of the payment of a security deposit or evidence of a written or verbal tenancy agreement. In fact, the evidence shows very clearly, that one of the persons he has named is not a landlord at all but his former common-law spouse.

Overall, I find that the evidence shows that this matter involves the breakdown of a spousal relationship between RC and CF. As a result of that breakdown issues have

arisen between the parties, however these are issues over which the *Residential Tenancy Act* has no authority and they must be decided in another Court.

Conclusion

I therefore decline jurisdiction in this matter.
