



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes:

MNDC, RPP, FF

Introduction

This hearing was scheduled in response to the tenant's Application for Dispute Resolution, in which the tenant has made application for compensation for damage or loss under the Act, return of his personal property and to recover the filing fee from the tenant for the cost of this Application for Dispute Resolution.

Both parties were present at the hearing. At the start of the hearing I introduced myself and the participants. The hearing process was explained, evidence was reviewed and the parties were provided with an opportunity to ask questions about the hearing process. They were provided with the opportunity to submit documentary evidence prior to this hearing, all of which has been reviewed, to present affirmed oral testimony and to make submissions during the hearing.

Issue(s) to be Decided

Is the tenant entitled to compensation in the sum of \$2,000.00 for loss of his personal property?

Can the landlord be Ordered to return the tenant's personal property?

Is the tenant entitled to filing fee costs?

Background and Evidence

The tenant lived in a single room with kitchen facilities, as part of a 31 unit building, commencing in August 2007. A deposit was paid in the sum of \$205.00 and rent was \$415.00, due on the first day of each month.

On November 1, 2010, the tenant was served a 10 day notice ending tenancy for unpaid November rent. Events unfolded that resulted in the landlord's agent believing the tenant had abandoned the unit. The tenant did leave the unit on November 11 and returned on either November 26 or 28th; at which point the parties disagree on the facts.

When the tenant returned to the building in late November he did not go to his room as he was denied access and relinquished his keys. The tenant did not apply for an Order of possession for the rental unit and has accepted that the tenancy ended.

The landlord acknowledged that communication did break down and that the tenant was entitled to some level of compensation. At the same time the landlord explained that the tenant had left his room in a terrible state, that he was not denied access and that the claim he is making seemed excessive.

Mutually Settled Agreement

During the hearing the parties agreed to meet later in the day. The landlord offered the tenant return of his deposit paid and an additional \$500.00 in satisfaction of the claim the tenant has made.

The tenant accepted the offer of compensation totalling \$705.00.

The tenant declined return of a couch and chair that the landlord is holding.

Conclusion

The tenant has accepted an offer made by the landlord of \$705.00 compensation in satisfaction of the claim made.

The deposit paid is included in the amount the landlord will pay to the tenant.

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: December 21, 2010.

Dispute Resolution Officer