



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR RR

Introduction

This hearing dealt with an application by the tenants to cancel a notice to end tenancy as well as for a reduction in rent. Despite having been served with the application for dispute resolution and notice of the hearing, the landlord did not participate in the teleconference hearing.

The tenants stated that they moved out of the rental unit on August 3, 2011, and therefore they no longer sought to cancel the notice to end tenancy or receive a reduction in rent. Accordingly, I dismissed those portions of the application.

The tenants sought to amend their application, based on additional evidence submitted by the tenants and also served on the landlord. I determined it was appropriate to amend the tenants' application to address the issue of the tenants' personal property being held by the landlord.

Issue(s) to be Decided

Should the landlord be ordered to return the tenants' personal property?

Background and Evidence

The tenants stated that they were in the process of moving out in the first week of August 2011, when the landlord withheld several of the tenants' personal possessions by locking them in the barn. These items include camping gear, golf clubs, a trailer hitch and the tenant's work tools.

Analysis

Based on the tenants' undisputed testimony, I accept the evidence that the landlord has seized several items of the tenants' personal property contrary to the Act. The landlord must return all of the tenants' property immediately.

Conclusion

Under section 65 of the Act, I order the landlord to immediately return all of the tenants' personal property. Should the landlord fail to comply with this order, it is open to the tenants to apply for monetary compensation.

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: August 30, 2011.

Residential Tenancy Branch