



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes RPP

This matter proceeded by way of a conference call hearing, pursuant to the *Residential Tenancy Act* (the “Act”), and dealt with the Tenant’s Application for Dispute Resolution. The Tenant’s Application requested an order that the Landlord return his personal property.

The Landlord and Tenant attended the hearing, gave affirmed testimony and were provided the opportunity to present evidence orally and in written and documentary form, and make submissions to me.

The parties agree that the tenancy ended on September 12, 2011 due to a Ten Day Notice for Unpaid Rent that had been served on the Tenant by the Landlord.

The Tenant stated that he moved out on September 12, 2011 and was on the streets, as a result he stated he had nowhere to take his personal property to so he left these in the rental unit until he could find somewhere to move to. The Tenant stated that he came to the rental unit several times after the tenancy ended to retrieve personal property items, however, on September 25, 2011 when he came to the rental unit he was denied access. The Tenant stated that he filed his Application for Dispute Resolution requesting return of his personal property on November 25, 2011.

The Landlord stated that the Tenant did not remove all of his personal property from the rental unit when his tenancy ended. The Landlord stated that he held onto the Tenant’s personal property for a period of time, but has since disposed of these. The Landlord stated that the Tenant owes him money for the storage of the personal property as well for junk removal when the personal property was disposed of. The Landlord stated that he has not filed an application for his claim at this time.

The Tenant stated that he did not know his personal property was disposed of until attending the hearing, as a result, the Tenant requested leave make a new application for monetary compensation for the loss of his personal property

I dismiss the Tenant's application for an order for return of his personal property as the Landlord has confirmed the personal property has all been disposed of.

The Tenant has liberty to apply for monetary compensation for the loss of his personal property.

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: January 03, 2012.

Residential Tenancy Branch