

## **DECISION**

Dispute Codes      RPP

### Introduction

This is an application filed by the Tenant for the return of personal property.

Both parties attended the hearing by conference call and gave testimony. Neither party submitted any evidence. As both parties have attended the hearing, I am satisfied that the Landlord has been properly served with the notice of hearing package.

### Issue(s) to be Decided

Is the Tenant entitled to an order for the return of personal property?

### Background, Evidence and Analysis

Both parties agreed that the Tenant was evicted from the rental unit. The Tenant states that he did not receive a notice to end tenancy. The Landlord states that an order of possession was received in a previous hearing where the Tenant did not attend. The Landlord states that a writ of possession was applied for and granted, where the bailiffs then attended to enforce it. The Tenant states that he wishes the return of personal belongings consisting of clothing and tools. The Tenant states that he contacted the bailiffs and they currently hold a personal safe. The Landlord states that he did not retain any items for storage and that the bailiffs only took the safe as that was the only item of value. The Landlord states that the Tenants personal property was left outside and he is not in possession of any of the Tenants personal items.

I find that the Tenant has failed to provide sufficient evidence as to the personal property or who is in control of such items. Based upon the direct testimony of the Tenant, he was unable to provide this list or where the items are stored. As such, I find that the Tenant has failed in his application and it is dismissed.

### Conclusion

The Tenant's application is dismissed.

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 10, 2012.

---

Residential Tenancy Branch