



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      MNDC, AAT and FF

### Introduction

This hearing was convened on the tenant's application for monetary compensation on the claim that he was wrongfully evicted from the rental unit. In addition, the tenant seeks an order for return of personal mail.

Despite having been served with the Notice of Hearing sent by registered mail on February 24, 2012, the respondent landlord did not call in to the number provided to enable her participation in the telephone conference call hearing. Therefore, it proceeded in her absence.

### Issue(s) to be Decided

Is the tenant entitled to monetary compensation for damage or loss resulting from the wrongful eviction and in what amount? Is the tenant entitled to an order for return of personal property, his mail?

### Background and Evidence

According to the tenant, this tenancy began approximately three years ago and in that period, the present landlord is the third, having taken possession of the rental building in January 2012.

Rent was \$420 per month and the landlord holds a security deposit of \$200 which has not been returned to the tenant.

During the hearing, the tenant gave evidence that he returned to the rental unit on January 19, 2012 and met the new landlords for the first time. They apparently challenged his right to enter the rental unit and the male landlord assaulted the tenant by striking him in the stomach, among other things.

The tenant contacted police who advised him to leave the rental unit in the interest of his personal safety, and police returned with the tenant on January 28, 2012 to keep the peace while the tenant removed his belongings.

The tenant stated that the landlords have refused to return mail that had been sent to him and seeks to recover moving, storage and shelter costs he incurred as a result of wrongful eviction.

The tenant stated he had tried to pay the rent for January, but that it was refused.

### Analysis

In order to evict a tenant without consent in British Columbia, a landlord must have a Writ of Possession issued by the Supreme Court of British Columbia, obtainable through an Order of Possession which may be issued following a Dispute Resolution Hearing.

In the present matter, the tenant has some difficulty expressing himself in English and was not fully aware of the need to provide evidence in support of his claims.

Therefore, in the absence of any documentary or third party evidence including receipts, rental agreement, police reports, corroborating letter from the former landlord, etc., I must dismiss the present application with respect to the monetary claim. However, I am granting the tenant leave to reapply for damage or losses under the legislation.

As to the matter of the tenant's request for return of his mail, if the landlord is holding any personal mail belonging to the tenant, pursuant to section 65(1) of the *Act*, I hereby **AUTHORIZE AND ORDER** that the landlord return such mail to the tenant immediately.

Guidance is available to both parties through the Residential Tenancy Branch Information Officers by telephone at 604 660-1602 or attendance at branch offices. Information materials are available in a number of languages.

For the convenience of both parties, I have enclosed a copy of our publication, "*A Guide for Landlords and Tenants in British Columbia*."

### Conclusion

The tenant's application for monetary compensation is dismissed with leave to reapply.

The landlord is ordered to return any of the tenant's mail she is holding to the tenant immediately.

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: April 25, 2012.

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Residential Tenancy Branch