



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      RPP

### Introduction

This hearing dealt with an application by the tenant for return of their personal property.

Both parties participated in the conference call hearing.

### Issue(s) to be Decided

Is the tenant entitled to any of the above under the Act.

### Background and Evidence

The tenant testified that in early April 2012 the landlord obtained an order of possession for the rental unit and had the tenant removed by the police that same night. The tenant stated that he was told he had to get out of the rental unit and leave all his personal belongings behind. The tenant stated that the landlord advised him at the time that he would store the tenant's personal belongings for him but that the landlord will now not allow the tenant to retrieve his personal belongings. The tenant stated that he has called the landlord numerous times to arrange getting his belonging back but that the landlord refuses to speak to the tenant.

The landlord testified that he had been successful in obtaining an order of possession for the rental unit and acknowledged that he did not have a writ of possession at the time the tenant was removed from the rental unit. The landlord stated that he still had the tenant's belongings store in his underground parking. The landlord stated that he wants the tenant to come and get his belongings and was insistent that the tenant was not being truthful when the tenant stated that he made repeated calls to the landlord which the landlord refused.

After continued discussion the parties agreed that the tenant will remove his personal belongings no later than June 3, 2012. The tenant will also contact the landlord the day before he goes to pick up his belongings so that the landlord can be available to let the tenant into the building.

### Analysis

Pursuant to Section 63 of the *Residential Tenancy Act*, the dispute resolution officer may assist the parties settle their dispute and if the parties settle their dispute during the dispute resolution proceedings, the settlement may be recorded in the form of a decision or an order.

During this hearing, the parties reached an agreement to settle their dispute. Specifically, both parties agreed to the following:

- The tenant will remove all of his personal belongings no later than June 3, 2012.
- The tenant will contact the landlord one day prior to picking up his personal belongings.
- If the tenant fails to remove his personal items that the landlord is storing, the landlord is to contact this office and determine his rights and obligations in regards to 'abandoned personal property'.

### Conclusion

This matter has been settled as outlined above.

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: May 28, 2012

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Residential Tenancy Branch