



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

### **Dispute Codes:**

RPP

### **Introduction**

This is the Tenant's application for an Order that the Landlord return her personal property.

The Tenant gave affirmed testimony at the Hearing.

The Tenant testified that she served the Landlord with the Notice of Hearing documents by registered mail on April 13, 2012, to the address where the Landlord resides.

Based on the Tenant's affirmed testimony, I am satisfied that the Tenant served the Landlord with the documents in accordance with the provisions of Section 89(1)(c) of the Act. The Hearing continued in the Landlord's absence.

### **Issues to be Decided**

- Is the Tenant entitled to the Order sought, pursuant to the provisions of Section 65(1) of the Act?

### **Background and Evidence**

The Tenant testified that the tenancy ended on March 31, 2012, pursuant to the terms of a settlement agreement which was recorded by a dispute resolution officer on March 7, 2012.

The Tenant stated that she was in a hurry to move out of the rental unit by 1:00 p.m. on March 31, 2012, and therefore she was not thorough in going through to make sure everything was packed. The Tenant testified that she realized after moving out that she had left her family memorabilia and treasured photographs in a closet off the laundry room. She stated that she went back to the rental unit to pick them up and that the Landlord swore at her and denied seeing the boxes of personal items.

The Tenant stated that these items were of no monetary value, but were priceless in their sentimental value. She stated that she was devastated by their loss.

The Tenant testified that she called the moving company, who told her that they had not picked up the missing items and that they did not go into the closet by the laundry room.

### **Analysis**

This is the Tenant's application and therefore the onus is on the Tenant to provide sufficient evidence to support her claim.

The Tenant did not go through the rental unit with the movers at the end of the tenancy to confirm that all of her belongings were packed up and moved. The Tenant did not provide evidence that anyone else saw the missing items in the closet on the day of the move, or that anyone had seen the Landlord with the missing items.

I find that the Tenant has not provided sufficient evidence that the Landlord has possession of her belongings and therefore I decline to order the Landlord to return them.

### **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: May 07, 2012.

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Residential Tenancy Branch