



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding ERIC'S WORLD OF LEISURE  
and [tenant name suppressed to protect privacy]

## **DECISION**

### Dispute Codes

RPP

### Introduction

This hearing dealt with an Application for Dispute Resolution by the tenant for the return of his personal belongings.

Although served with the Application for Dispute Resolution and Notice of Hearing in person to the landlord's agent on March 25, 2013, the landlords did not appear. I find that the landlords have been duly served in accordance with the Act.

The tenant gave testimony and was provided the opportunity to present their evidence orally and in written and documentary form, and to make submissions to me.

### Issue(s) to be Decided

Should the landlords be order to return the tenant's personal property?

### Background and Evidence

The tenant testified that he had been residing in the rooming house since 2007. Rent in the amount of \$375.00 was payable each month.

The tenant testified that on February 28, 2013, he paid rent for the month of March 2013. Filed in evidence is a receipt for rent.

The tenant testified on March 16, 2013, the landlord changed the locks to the rental unit. The tenant stated the landlord told him that they had packed all his personal belongings and that he would not be getting those belongings back until he paid them \$800.00 for damages.

The tenant testified the alleged damage was for a lamp shade.

The tenant testified he seeks an order that the landlord return his personal property, this includes a guitar, boots and other personal items.

The advocate for the tenant stated he has made several attempts to resolve this issue, but the landlords have failed to respond.

### Analysis

Based on the above, the testimony, and evidence, and on a balance of probabilities, I find as follows:

In this case, the tenant paid rent for the month of March 2013, and in exchange for that rent the tenant was entitled to the right to possess the rental unit. The landlords on March 16, 2013, changed the locks denying the tenant access and further denying the tenant's request for the return of his personal belongings.

Under the Act the landlord must not seize any personal property of the tenant or prevent, or interfere with the tenant's access to the tenant's personal property, unless the landlord has a court order authorizing the action.

I find the landlords have violated the Act, when they locked the tenant out of the rental unit on March 16, 2013, when the tenant was entitled to the right to possess the unit without interference.

I further find the landlords have violated the Act, when they seized the tenant's personal property, without a court order. At no time does the landlord have the ability to simply keep the tenant's personal property or hold them ransom because they feel they are justified.

**I order** the landlords to return the tenant's personal belongings within 24 hours of receiving this decision. The landlords are also to provide a detailed inventory of the property they retained and provided a copy to the tenant when his belongings are returned.

**The landlords are cautioned** that if they fail to comply with my order, that the tenant is at liberty to apply for monetary compensation for the loss of those personal belongings.

Conclusion

**I order** the landlords to return the tenant's personal belongings within 24 hours of receiving this decision.

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 18, 2013

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Residential Tenancy Branch