



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: *MNDC, RPP, FF*

Introduction

This hearing dealt with an application by the tenant pursuant to the *Residential Tenancy Act* for a monetary order for compensation, for the return of his personal items that were put into storage by the landlord and for the filing fee. Both parties attended the hearing and were given full opportunity to present evidence and make submissions.

The parties acknowledged receipt of evidence submitted by the other and gave affirmed testimony. During the hearing the tenant withdrew his claim for compensation.

Issues to be decided

Is the landlord holding the tenant's items in storage?

Background and Evidence

The tenancy started in July, 2011. The monthly rent was \$800.00 due on the first of each month. On July 31, 2013, the landlord served the tenant with a notice to end tenancy for cause. The tenant did not dispute the notice and intended to move out. The tenant did not pay rent on August 01 and continued to occupy the rental unit. The tenant had packed up most of his possession in preparation to move out and left the rental unit on August 23 intending to return on September 03, 2013.

Upon his return, he found that a new tenant had moved in and all his items were removed from the rental unit. He found out that they were placed in storage by the landlord. The tenant is asking for the return of his possessions.

During the hearing the parties engaged in a conversation, turned their minds to compromise and achieved a resolution of their dispute.

Analysis

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

During this hearing, the parties reached an agreement to settle these matters, on the following conditions:

1. The landlord agreed to return the tenant's possessions that were removed by her. An order directing the landlord to do so will be granted to the tenant.
2. The tenant agreed to withdraw his claim of compensation in the amount of \$5,000.00. Accordingly this portion of the tenant's application is dismissed.
3. Both parties stated that they understood and agreed that the above terms are binding on both parties.

As this dispute was resolved by mutual agreement and not based on the merits of the case, I decline the tenants request to recover the filing fee paid for this application

Conclusion

Pursuant to the above agreement, I grant the tenant an order directing the landlord to return the tenant's possession within 15 days of receipt of 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: November 07, 2013

Residential Tenancy Branch

