



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 pursuant to the *Residential Tenancy Act*, for an order directing the landlord to return the tenant's property. Both parties attended the hearing and were given full opportunity to present evidence and make submissions.

Issues to be decided

Is the landlord holding the tenant's property in contravention of the *Residential Tenancy Act*?

Background and Evidence

The tenancy started in October 2012. The monthly rent is \$325.00. The tenant's rent is paid directly to the landlord from the Ministry of Social Services.

On October 26, 2013, there was a fire in the rental unit rendering it uninhabitable and therefore the tenant was forced to move out. The tenant stated that shortly after he moved out, he returned with a truck to retrieve his personal belongings and was not permitted to do so. The tenant made this application to enable him to get access to the rental unit to remove his belongings.

The tenant testified that he was given access late November but did not have the financial means to rent a truck. The tenant stated that the landlord had received rent for November and despite his requests, the landlord refused to return it to him. Therefore the tenant stated that he does have the means to hire a truck as he has had to pay rent at his current residence. The tenant has made application for the return of rent for November and for the security deposit. This application will be heard in February 2014. The tenant provided the landlord with his forwarding address during this hearing on December 06, 2013.

The landlord testified that the tenant has had access to the property for over one week now but has not yet removed his belongings. The landlord agreed to allow access until December 20, 2013. The tenant agreed to remove his personal belongings by that date.

Conclusion

I order the landlord to allow the tenant access to the rental property until December 20, 2013. The tenant must remove all his personal belongings on or before this date.

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: December 06, 2013

Residential Tenancy Branch

