



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR, FF, CNR, MNDC, RPP

Introduction

This decision deals with two applications for dispute resolution, one brought by the tenants, and one brought by the landlord. Both files were to be heard together; however the landlord did not join the conference call that was set up for the hearing, and therefore the landlords application has been dismissed, and I proceeded with the tenant's application only.

The tenant's application is a request to cancel a Notice to End Tenancy that was given for unpaid rent, a request for monetary compensation in the amount of \$1800.00 and a request for return of the tenant's personal property.

The tenant testified that the landlord was served with notice of the hearing, by personal service, on June 5, 2014; however as stated above the landlord did not join the conference call that was set up for the hearing.

All testimony was taken under affirmation.

Issue(s) to be Decided

By the date of the hearing the tenant had already vacated the rental unit and therefore was no longer requesting an order canceling the Notice to End Tenancy.

The issue to decide therefore, is whether or not to issue an order for return of personal property, or an order for compensation in the amount of \$1800.00.

Background and Evidence

The applicant testified that:

- He had a 1990 Dodge Caravan stored in the parking garage of the rental property; however it was unlicensed as the vehicle had never been transferred into his name by the person from whom he purchased it.
- He had attempted to have it transferred into his name but it turned out that the person who sold it to him, was not the owner.
- He had explained the situation to the landlords, however the landlords had the vehicle towed and he has no idea where it is.
- He is therefore requesting an order for the landlord's to return his vehicle or to compensate him \$1800.00 for loss of the vehicle.

Analysis

It's my finding that the applicant has not met the burden of proving that the 1990 Dodge Caravan that the landlords had towed from the parking garage belong to him.

The applicant claims that he had purchased the vehicle; however he has provided no proof of purchase, and as he stated above the vehicle has never been registered in his name.

I am therefore unwilling to issue any order for return of the vehicle, or for monetary compensation.

Conclusion

Landlords application

The landlord's application is dismissed in full without leave to reapply.

Tenants application

The tenant's application is dismissed in full without leave to reapply.

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: July 21, 2014

Residential Tenancy Branch

