



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: *MNDC, FF*

Introduction

This hearing dealt with an application by the landlord pursuant to the *Residential Tenancy Act*, for a monetary order for the cost of removing the tenant's belongings from the rental unit after the tenancy ended and for the recovery of the filing fee.

Both parties attended the hearing and were given full opportunity to present evidence and make submissions. The tenant acknowledged receipt of evidence submitted by the landlord. Both parties gave affirmed testimony.

A hearing was conducted on March 26, 2014. A copy of the decision was filed into evidence. During that hearing, the parties had come to an agreement and one of the terms of the agreement was that the landlord was granted leave to file an application seeking compensation for the cost of moving and storing the tenant's property, if the tenant failed to remove her belongings by March 31, 2014.

Issues to be decided

Did the tenant remove all items of her belongings on or before March 31, 2014? Is the landlord entitled to a monetary order?

Background and Evidence

The landlord testified that the tenant moved out sometime in February 2014 and returned on March 31, 2014 to remove her belongings. The landlord stated that the tenant did not remove all her belongings and is claiming the cost of storing them and transporting them to the local dump. The landlord filed photographs of a bed, mattresses and other household items that she stated were left behind.

The tenant stated that prior to March 31, 2014; the landlord removed all the items belonging to the tenant and placed them in the garage. The tenant testified that she returned to the rental property on March 31, 2014 and removed all her personal items from the garage. The tenant alleged that the landlord was attempting to claim for the storage and disposal of her own items which were in the garage from the start of tenancy.

During the hearing, the landlord informed me that the photographs depicting the tenant's belongings were taken on March 27, 2014, at which time the items were still inside the rental unit. The landlord stated that the items in the photographs were subsequently moved to the garage and still remained in the garage after March 31, 2014. The landlord agreed that she should have sent in photographs of what was left behind after the tenant visited on March 31, 2014, to remove her belongings.

Analysis

Based on the testimony of both parties, I find that the landlord filed photographs that do not support her claim. The landlord offered to file current photographs that show that the tenant's items still remain in the garage and therefore I dismiss the landlord's claim with leave to reapply.

The landlord has not proven her claim and therefore must bear the cost of filing her application.

Conclusion

The landlord's application is dismissed with 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: August 14, 2014

Residential Tenancy Branch

