



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Prospero International Realty Inc.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes: RPP

Introduction

This hearing concerns the tenant's application for an order instructing the landlord to return his personal property. Both parties attended and gave affirmed testimony.

Issue(s) to be Decided

Whether the tenant is entitled to the above under the Act, Regulation or tenancy agreement.

Background and Evidence

In response to the landlord's application, a previous hearing was held in a dispute between these parties on February 03, 2014. Pursuant to the decision issued by that same date, an order of possession was granted in favour of the landlord to be "effective two days from the date of service."

The landlord's agents testified that the order of possession was served on the tenant, and filed in the Supreme Court of British Columbia. A Writ of Possession was obtained, 3 staff from the office of the Bailiff entered the unit, packed up the tenant's belongings in boxes and changed the locks on the unit. The belongings were stored under lock and key in the basement of the building. During that time the tenant attended the building on several occasions in order to take away certain of his packed up belongings. The landlord's agents testified that eventually the tenant took possession of all the belongings that had been packed up.

Subsequently, the tenant filed an application for dispute resolution on June 18, 2014, claiming that some of his belongings were missing. The tenant claims that the value of the missing items is approximately \$10,000.00, and that they are comprised as follows:

1 silver ring	1 jungle wood bowl	Keen sandals
1 drawer set	1 hanging globe light / matching insert top	sink / toilet plunger
1 pair of boots	3 inch bristle paint brush	various tapes
1 hardwood board	miscellaneous carpentry tools	shower head
		pillow case

The landlord's agents reiterated that the Bailiff packed up all belongings found in the unit at the time the Bailiff entered the unit, and that the packed boxes were stored under lock and key in the basement of the building. They further testified that they are not aware of the location of any of the above items, and testified that they were not disposed of by the landlord's agents.

Analysis

Part 5 of the Regulation addresses **Abandonment of Personal Property**.

Based on the documentary evidence and testimony of the parties, I find there is insufficient evidence that the landlord failed to comply with the applicable statutory provisions, as above, concerning the tenant's personal property following the end of tenancy. I further find there is insufficient evidence that the landlord otherwise improperly disposed of any of the items listed by the tenant in his application. In the result, the tenant's application must be dismissed. If he has not already done so, the tenant has the option of filing a report with Police.

Conclusion

The tenant's application for an order instructing the landlord to return his personal property is hereby dismissed.

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 20, 2014

Residential Tenancy Branch

