



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MT, CNC, RP, RPP, RPP, LAT, SS

Introduction

The tenant applies for numerous orders. Prior to the hearing, however, the tenant vacated the premises ending the tenancy. Accordingly, all but one of the claims of the tenant are now moot, and are dismissed.

The remaining claim of the tenant is for the return of the tenant's property.

The landlord expressed disappointment that he was not given opportunity to make his own claim at this hearing. However, I have no authority to deal with any such claim by the landlord. The Rules of Procedure for hearings of this nature clearly require that a claim must be initiated with a formal application at the Residential Tenancy Branch, after which time the claimant is assigned a hearing to deal with any such claim. These necessary steps have not been followed by the landlord.

Issues to Be Decided

- Should the landlord be ordered to return personal property belonging to the tenant?

Background and Evidence

The tenant believes the landlord is in receipt of at least two articles of mail sent to him in June and July by the Government of British Columbia. This mail contains information about his government assistance. He has not actually seen the landlord take this mail, and has no proof the landlord has his mail.

The landlord denies that he is in possession of any of the tenant's mail. He notes that the subject mail would simply include the stub of information provided by the government to the tenant, and suggests that another copy can be obtained from the government upon request.

Analysis

Section 26(3) of the Residential Tenancy Act requires that a landlord must not seize any personal property of the tenant, or prevent or interfere with the tenant's access to the tenant's personal property. Mail belonging to the tenant would apply to this prohibition, as such mail is personal property belonging to the tenant.

In this case, however, the tenant has not proven that the landlord has contravened this portion of the legislation, or that the landlord is in possession of any of the tenant's personal possessions, or has interfered in some way with the delivery to the tenant of his mail.

Accordingly, no order is appropriate, and the tenant's claim is dismissed.

Conclusion

The tenant's application is 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: September 12, 2014

Residential Tenancy Branch

