



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding Bole Apartments limited  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      MNDC, LAT, LRE, O, OLC, OPT, PSF, RR

### Introduction

This is an application for a Monetary Order in the amount of \$420.69, a request to allow the tenant to reduce rent for repairs, services or facilities agreed upon but not provided, a request to authorized the tenant to change the locks of the rental unit, a request for an Order of Possession, a request to suspend or set conditions on the landlords right to enter the rental unit, a request to provide services or facilities required by law, and a request for an order for the landlord to comply with the Act or tenancy agreement.

### Preliminary matters

It is my finding that Bole Apartments Ltd has been incorrectly named as a respondent/landlord, and I have therefore removed them as respondents in this matter.

The applicant in this claim is subletting from a tenant of Bole Apartments Ltd. and therefore it is the tenant who is her landlord and not Bole Apartments Ltd.

The applicant testified that the respondents were served with notice of the hearing by registered mail that was mailed July 8, 2014 however the respondent whose initials are D.M. did not join the conference call that was set up for the hearing.

Pursuant to section 90 of the Residential Tenancy Act, documents sent by registered mail are deemed served five days after mailing and therefore it is my finding that the respondent(s) have been properly served with notice of the hearing.

I therefore proceeded in the absence of the respondent whose initials are D.M..

All testimony was taken under affirmation.

Issue(s) to be Decided

The applicant had put numerous requests on her application for dispute resolution however by the date of the hearing she had vacated the rental unit and therefore is now only requesting a monetary order for \$385.20, and is requesting a reduction in rent for alleged harassment.

Background and Evidence

The applicant testified that:

- Her landlord, with whom she shared the common areas of the rental unit, took it upon herself to dispose of numerous items that belonged to her, not the landlord.
- On June 28, 2014 the landlord threw out all of my food. July 3, 2014 the landlord again threw out my food, my bathroom items, including a robe, my kitchen utensils, my toaster oven, and two ceramic flower pots.

She is therefore requesting a Monetary Order as follows:

Replace food thrown out on June 28/14	\$84.81
Replace food thrown out on July 3/14	\$35.44
Replace kitchen utensils	\$95.00
Replace bathroom items, including robe	\$40.00
Replace toaster oven	\$100.00
Replace ceramic pots	\$30.00
Total	\$385.25

She is also requesting a reduction in rent for harassment, as the landlord called the RCMP on three different occasions for no valid reason.

Analysis

In the absence of any testimony from the respondent, I accept the applicants claim that her landlord threw out her food, kitchen utensils, bathroom items, toaster oven and ceramic pots and I therefore allow her claim the replacement of those items.

I find the estimates given for the replacement of the items to be reasonable.

I will not allow reduction in rent for harassment however because the applicant has provided insufficient evidence to show why her landlord had called the RCMP.

Conclusion

I have issued an Order, pursuant to section 67 of the Residential Tenancy Act, for the respondent to pay \$385.25 to the applicant, and the remainder of the applicants claims are dismissed 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: September 08, 2014

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Residential Tenancy Branch

