



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      OLC, RPP, AAT

### Introduction

This hearing dealt with an application by the tenant for orders compelling the landlord to comply with the Act, regulation or tenancy agreement; to return personal items belonging to the tenant; and to allow the tenant access to the rental unit. The tenant testified that he served the landlord personally with the Application for Dispute Resolution and Notice of hearing at her office on May 22, 2015. The landlord did not appear at the hearing.

### Issue(s) to be Decided

Is the tenant entitled to any of the orders requested and, if so, on what terms?

### Background and Evidence

The tenant testified that his tenancy started in November 2014. He rented a room in a house for the monthly rent of \$500.00. He had a written tenancy agreement with the owner of the property, SV. Two other individuals also lived in the same house; each had separate tenancy agreements with SV. A fourth individual lived in the garage.

In March or April the house was sold. The tenant said he paid the April rent to SV. The tenant testified that he never received a new tenancy agreement from the purchaser.

At the end of April he spoke to the landlord on the telephone about his tenancy. The landlord told him the house was going to be demolished.

The tenant testified that in the first week of May the landlord came to the house with the RCMP. They told him he was a squatter and forcibly removed him from the house. At the time he was in his pyjamas and slippers.

At first the police held him in the car. Finally, they allowed him to go into the house and remove some of his belongings. He gathered up some clothes, pet supplies, tools and toiletries and stacked them up by the edge of the property. He was not able to retrieve all of his belongings from the house before he was denied access again.

The tenant was not served with a writ of possession. The police did not charge him nor did they give him a business car. He did not receive any documentation from the landlord or the police.

The tenant left for a few hours. When he returned the contractors had put his stuff in a dumpster, located on a neighbouring property. The property owner would not allow the tenant onto his property or into the dumpster.

### Analysis

The only evidence before me is the undisputed oral testimony of the tenant.

If the tenant had a tenancy agreement with the previous owner the purchaser assumed the landlord's rights and obligations under that agreement when he purchased the property. A tenant cannot be evicted unless the landlord has obtained a writ of possession from the Supreme Court of British Columbia (see s.57(2)). There is no evidence that a writ of possession had been obtained or served on the tenant before he was ejected from this property.

Although the tenant provided a list of the items he lost and a rough estimate of their value he did not actually apply for a monetary order on this application. He indicated that what he really wanted was his stuff back and if the house is still standing he would like an order allowing him to go into the house and pick up his belongings.

Accordingly, I make the following orders:

- The tenant must serve this decision on the landlord, either by personal service or registered mail.
- Within three days of being served with this decision the landlord must:
  - Return any personal property belonging to the tenant that is in the landlord's possession or control; and,
  - Allow the tenant access to the rental unit for the purpose of allowing him to retrieve his personal possessions.

As no monetary order was applied for, none is being granted. If he chooses, the tenant may file a new application for dispute resolution claiming monetary compensation for such losses as may be proven at that hearing.

### Conclusion

The following orders have been made:

- The tenant must serve this decision on the landlord, either by personal service or registered mail.

- Within three days of being served with this decision the landlord must:
  - Return any personal property belonging to the tenant that is in the landlord's possession or control; and,
  - Allow the tenant access to the rental unit for the purpose of allowing him to retrieve his personal possessions.

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 07, 2015

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Residential Tenancy Branch

