



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes FF, MNDC, RPP

Introduction

The Application for Dispute Resolution filed by the Tenant seeks the following:

- a. A monetary order in the sum of \$5000.
- b. An order that the landlord return the Tenant's belongings
- c. An order to recover the cost of the filing fee.

A hearing was conducted by conference call in the presence of both parties. On the basis of the solemnly affirmed evidence presented at that hearing, a decision has been reached. All of the evidence was carefully considered.

Both parties were given a full opportunity to present evidence and make submissions. Neither party requested an adjournment or a Summons to Testify. Prior to concluding the hearing both parties acknowledged they had presented all of the relevant evidence that they wished to present.

I find that the Application for Dispute Resolution/Notice of Hearing was personally served on May 10, 2016. With respect to each of the applicant's claims I find as follows:

Issue(s) to be Decided

The issues to be decided are as follows:

- a. Whether the tenant is entitled to a monetary order and if so how much?
- b. Whether the tenant is entitled to an order that the landlord return the Tenant's belongings.
- c. Whether the tenant is entitled to recover the cost of the filing fee?

Background and Evidence

The tenancy began on May 1, 2014. The tenancy agreement provided that the tenant(s) would pay rent of \$1280 per month payable in advance on the first day of each month. The tenant(s) paid a security deposit of \$640 at the start of the tenancy.

At the end of December 2015 the tenant had to leave the country for 4 months for personal reasons. He made an arrangement with the then Building Manager for her to rent his premises while he was away. Shortly after he left the Building Manager had his belongings moved into storage. She hired JCP to assist in this movement. The arrangement facilitated by the Building Manager was contrary to company policy. The Building Manager was relieved of her duties in early January for matters not related to this hearing. However, it appears the Building Manager rented the rental unit to a third party. When management discovered this in early February they refused to allow this party to continue to live in the rental unit. When the tenant returned he obtained his possessions from storage but discovered that a large television, a computer, an internet cable box, a 2 drawer dresser and a suitcase was missing. The Application for Dispute Resolution seeks compensation for the loss of these belongings.

Settlement:

At the end of the hearing the parties reached a settlement and they asked that I record the settlement pursuant to section 63(2) of the Residential Tenancy Act as follows:

- a. The landlord shall obtain from JCP (who assisted in the moving of the belongings to storage) a full statement of his knowledge and involvement relating to the movement of the tenant's belongings to storage and how some of those belongings might have gone missing and provide a copy of that statement to the Tenant.
- b. The landlord shall advise JCP that his statement is obtained on a without prejudice basis to his employment and the landlord will not take any steps to discipline JCP.
- c. The tenant withdraws his monetary claim.

As a result of the settlement I ordered that the application be dismissed as withdrawn.

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: June 13, 2016

Residential Tenancy Branch