



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute codes      MNDC

### Introduction

This hearing dealt with the tenant's application pursuant to the *Residential Tenancy Act* (the "Act") for:

- a monetary order for compensation for damage or loss under the Act, regulation or tenancy agreement pursuant to section 67;

The hearing was conducted by conference call. All named parties attended the hearing and were given a full opportunity to be heard, to present evidence and to make submissions.

### Issues

Is the tenant entitled to a monetary order for damage or loss?

### Background & Evidence

In a decision dated, April 25, 2014, the landlord was issued an order of possession effective 2 days after service on the tenant. In a decision dated May 7, 2014, the tenant's application for review consideration of the April 25, 2014 decision was dismissed.

On May 12, 2014 the landlord obtained a writ of possession from the Supreme Court of British Columbia.

On May 13, 2014 the writ of possession was executed on by a licensed court bailiff and the tenant and her belongings were removed from the rental unit. The tenant's belongings were placed outside of the rental unit by the bailiff.

The tenant is claiming \$25,000 in damages and loss as a result of the landlord removing her belongings from the rental unit. The tenant submits that the landlord was obligated to store her belongings as per the abandonment provisions of the Act.

The landlord submits the tenant was removed from the rental unit in accordance with the Act.

### Analysis

Section 7 of the Act provides for an award for compensation for damage or loss as a result of a landlord or tenant not complying with this Act, the regulations or their tenancy agreement.

I find that any alleged damage or loss that occurred to the tenant's belongings was not a result of the landlord not complying with the Act, Regulations or tenancy agreement. The landlord was granted an order of possession under the Act which the landlord subsequently had enforced through the Supreme Court of British Columbia as provided for under section 84 of the Act.

The abandonments provisions of Part 5 of the Regulation do not apply in this case.

### Conclusion

The tenant's application is 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: November 03, 2016

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Residential Tenancy Branch

