



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes LRE, RPP

Introduction

This hearing dealt with an Application for Dispute Resolution by the tenants for return of personal belonging or compensation, and for a monetary order for slander.

Both parties appeared, gave testimony, and were provided the opportunity to present their evidence orally and in written and documentary form, and to cross-examine the other party, and make submissions at the hearing

Preliminary and procedural matters

There is no authority under the Residential Tenancy Act to hear a claim for slander. Therefore, I decline to hear this portion of the tenants' claim.

Issue to be Decided

Should the tenants' personal property be returned?

Preliminary and procedural matters

At the outset of the hearing the landlord stated that they have the tenants' personal belonging and the tenants have not come to pick them up. The landlord stated that the male tenant was charged with a criminal offence and there is a retaining order against him.

The landlord stated that they have spoken to the tenants' contact and they heard nothing from the tenants. The landlord stated that they want the tenants' belongings removed as soon as possible.

The tenant stated that they did not hear from their contact. The tenants stated that they are unable to pick up their belonging, as they have moved to another city. The tenants seek additional time to retrieve their belongings.

Analysis

Based on the above, the testimony and evidence, and on a balance of probabilities, I find as follows:

This is the tenants' application for return of property. I find the tenants' position of asking for an extension of time to remove their belongings unreasonable, as they should have had a reasonable plan in place to retrieve those belonging prior to the hearing as their application was made six weeks early.

Therefore, I find it appropriate to make the following orders.

- The tenants are required to attend no later than July 26, 2017, to the premises to pick up their personal belonging;
- The tenants are to provided notice to the landlord;
- The landlord is to give the tenants clear access to the driveway; and
- Should the tenants not retrieve their belongings by July 26, 2017, the landlord can consider those items abandoned.

Conclusion

The tenants' application for monetary compensation is dismissed for lack of jurisdiction. The tenants are to retrieve their belonging from the landlord no later than July 26, 2017.

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 26, 2017

Residential Tenancy Branch