



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC, MNDC

Introduction

The tenants apply to cancel a one month Notice to End Tenancy for cause and, by amendment to their claim, for a monetary award for the value of articles claimed to have been taken by the landlords.

Neither landlord attended for the hearing. The tenant Ms. R. testifies that she personally served the landlord Ms. L.B. with the application and notice of hearing and then later, personally served Ms. L.B. with the tenant's amendment seeking the monetary award. On this evidence I find that the landlord Ms. L.B. has been duly served.

The tenants vacated the rental unit near the end of January and so the question of the validity of the Notice is now moot; determination of that question would serve no practical purpose.

The remainder of the claim is to recover the value of a heater, a fan and two plastic totes which Ms. B.R. testifies were being stored in a shed on the rental property and which were thrown out by the landlords or persons acting for them.

On the undisputed evidence I find that the landlords have wrongfully disposed of tenants' belongings and are liable to account to the tenants for their value.

The tenants estimate the cost of the heater to be \$60.00, two totes at \$20.00 and a fan at \$30.00 for a total of \$110.00. They admit that all the items were at least ten years old.

In the circumstances, to award the tenants the new cost of these old items would give them an unwarranted betterment. I discount the value of the items by half and award the tenants \$55.00.

The tenants will have a monetary order in the amount of \$55.00. As only the landlord Ms. L.B. was served, the monetary order will be against her alone.

This decision was rendered orally at hearing and 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: February 22, 2018

Residential Tenancy Branch