



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      MNDC RPP

### 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;
- an order requiring the landlord to return the tenant's personal property pursuant to section 65;

All named parties attended the hearing. During the hearing, the parties expressed an interest and were successful in resolving this dispute by mutual agreement.

### Terms of Settlement

Pursuant to section 63 of the Act, an arbitrator may assist the parties to settle their dispute and if the parties settle their dispute during the dispute resolution proceedings, the settlement may be recorded in the form of a decision or an order.

The parties reached an agreement to settle this dispute plus the additional file# noted on the cover page of this decision (landlord's application for dispute resolution scheduled for a hearing on October 22, 2018) under the following final and binding terms:

1. The tenant and landlord agree that the tenant will arrange a moving truck at her own expense to retrieve her personal belongings being stored on the landlord's property.
2. The tenant and landlord agreed to a time of 12:00 p.m. on Sunday, May 6, 2018 for the tenant to retrieve her personal belongings and the tenant agrees to arrange for a police constable to be present at the rental property at this time.

3. The tenant agrees to notify the landlord, in writing, before May 1, 2018 if she is not able to secure a moving truck for the above agreed upon date and time and to reschedule for another date and time acceptable to the landlord.
4. The tenant retains the right to file another application for dispute resolution only for any damage or loss suffered as a result of the landlord not complying with the Act or the Regulations in relation to the removal and storage of the tenant's personal property. The onus rests with the tenant to prove any damage or loss claimed and any potential claim is subject to the abandonment provisions under Part 5 of the *Residential Tenancy Regulations*.
5. Aside from term #4 of this agreement, the parties agreed, understood and confirmed that these particulars comprise the full and final settlement of all aspects of not only this dispute but also the landlord's application for dispute resolution scheduled for a hearing on October 22, 2018 (file# noted above).

Each party confirmed that this agreement was reached voluntarily and that they understood the terms of the agreement.

**This Decision and Settlement Agreement is final and binding on both parties.**

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: April 25, 2018

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Residential Tenancy Branch