



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding 0904419 BC LTD/ REALSTAR  
MANAGEMENT and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      RPP

### Introduction

The words tenant and landlord in this decision have the same meaning as in the *Residential Tenancy Act*, (the "Act") and the singular of these words includes the plural.

This hearing dealt with the tenant's application pursuant to the *Residential Tenancy Act* (the "Act") for an order for the landlord to return the tenant's personal property pursuant to section 65.

The tenants were represented at the hearing by co-tenant, MM ("tenant"). The landlord was represented at the hearing by property manager, WL ("landlord"). As both parties were present, service of documents was confirmed. The landlord acknowledged service of the tenant's Application for Dispute Resolution and didn't raise any concerns with timely service of documents.

### Preliminary Issue

The tenants' application seeks a return of personal property, however the tenant acknowledged in his opening argument that he doesn't actually seek this order. The Residential Tenancy Branch dispute resolution portal would only allow certain issues of relief and the actual order sought is for the cessation of the landlord's collection of an unauthorized debt sent to a collection agency.

The landlord stated they didn't make an Application for Dispute Resolution immediately after the tenants vacated the rental unit because they didn't have the tenants' forwarding address. During the hearing, the tenant agreed to formally provide his forwarding address to the landlord.

### Analysis

The tenant seeks an order for a return of personal property, although acknowledging this does not describe the actual relief sought. I advised the parties that there is no

remedy under the *Residential Tenancy Act* whereby an arbitrator can compel a landlord to withdraw a debt sent to a debt collection agency.

Rule 2.2 of the Residential Tenancy Branch Rules of Procedure states the claim is limited to what is stated in the application. As the tenants' claim seeks an order outside what was stated in their application and falls beyond the scope of relief an arbitrator can order, this application is dismissed without leave to reapply.

#### Conclusion

This 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: February 11, 2021

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Residential Tenancy Branch