



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing

DECISION

Dispute Codes RPP

Introduction

On May 16, 2023, the Tenant filed an Application for Dispute Resolution under the *Residential Tenancy Act* ("the Act") to request an order for the return of their personal property. The matter was set for conference call.

The Landlord and the Tenant attended the hearing and were each affirmed to be truthful in their testimony. The Landlord and Tenant were provided with the opportunity to present their evidence orally and in written and documentary form, and to make submissions at the hearing.

I have reviewed all oral and written evidence before me that met the requirements of the Rules of Procedure. However, only the evidence relevant to the issues and findings in this matter are described in this Decision.

Issue to be Decided

- Is the Tenant entitled to the return of their personal property?

Background and Evidence

While I have turned my mind to all of the accepted documentary evidence and the testimony of the parties, only the details of the respective submissions and/or arguments relevant to the issues and findings in this matter are reproduced here.

At the outset of these proceedings, the parties both agreed that all of the personal property of the Tenant, that had been in the rental unit had been disposed of by the Landlord.

The Landlord advised that they had started an application with the Residential Tenancy Branch for a monetary claim against the Tenant,

The Tenant expressed a desire to submit a monetary claim for loss.

Analysis

Based on the evidence before me, the testimony, and on a balance of probabilities I find that:

In this case, the parties have agreed that as of the date of these proceedings the Landlord had disposed of all of the Tenant's personal property that had been in the rental unit when this tenancy ended.

As the Tenant's personal property is no longer in the possession of the Landlord, I find that it would be a moot point to issue an order for the rental of this property to the Tenant. Therefore, I dismiss the Tenant's application for the return of their personal property, with leave to apply for a monetary order for losses under the *Act*.

Conclusion

I dismiss the Tenant's application for the return of their personal property.

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 13, 2023

Residential Tenancy Branch