



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes RPP FF

Introduction

This hearing dealt with an application by the tenant for an order for return of her personal property. The tenant and the landlord participated in the teleconference hearing.

Issue(s) to be Decided

Should the landlord be ordered to return the tenant's personal property?

Background and Evidence

The tenancy began in September 2008, and ended on August 31, 2011. The tenant was unable to remove all of her personal property from the rental property, including six half-ton bales of hay, each valued at \$225 plus tax and delivery. The tenant has since removed two bales of hay, but the landlord would not allow the tenant access to the rental property to retrieve the hay and the rest of her belongings. The tenant seeks an order that the landlord return the tenant's property.

The landlord's response was that the tenant was supposed to leave by August 31, 2011, but he gave the tenant one more week to remove all of her items and clean up. The tenant did not do so. The landlord acknowledged that the bales of hay remain on the rental property.

During the hearing the landlord attempted to settle the matter by setting a time and date that the tenant could retrieve her property, but the tenant was not willing to agree because she could not move all of the hay at once.

Analysis

The tenant is entitled to remove her personal property from the rental property, and the landlord must give the tenant access to the rental property to retrieve her belongings.

As the landlord was willing to settle this matter by arranging a time and date for the tenant to retrieve her belongings, but the tenant was not cooperative, I find that the tenant is not entitled to recovery of the filing fee for the cost of her application.

Conclusion

I order the landlord to allow the tenant access to the rental property on November 26, 2011 between the hours of 12:00 p.m. and 2:00 p.m., or on another agreed-upon date no later than November 30, 2011 and for no longer than two hours, so that the tenant may retrieve all of her personal belongings.

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: November 14, 2011.

Residential Tenancy Branch