

Introduction

- [1] On May 24, 2023, the Landlord filed a Landlord Application to Determine Dispute (Form 2B) (the "Application") with the Residential Tenancy Office (the "Rental Office"). The Landlord filed the Application pursuant to subsection 43.(6) of the *Act*:

To request an order to permit the disposal of my tenant's personal property.

- [2] The Landlord submitted into evidence an itemized list of the belongings that are at issue (Appendix "A"), along with several photographs.
- [3] The Officer notes that the Tenant was not notified of these proceedings and the Application was made *ex parte* by the Landlord.

Issue to be Decided

- i. Is the Landlord entitled to an order permitting them to dispose of the abandoned personal property?

Summary of the Evidence

- [4] In August 2022 the Tenant and the Landlord entered into a written, month-to-month tenancy agreement for the Residential Property. The Residential Property consists of one-half of a duplex. Rent was \$515.00 per month due on the first day of the month. A security deposit was not required.
- [5] The Landlord's undisputed evidence is as follows. The Representative stated the Tenant was evicted on May 16, 2023, as a result of an order from the Rental Office. On May 18 and 19, 2023, the Tenant retrieved some of her personal property from the Residential Property. On May 24, 2023, the Representative emailed the Tenant about the remaining personal property but the Tenant never responded to the Representative. The Representative has no forwarding address for the Tenant. The Representative stated there is no monetary value to any of the personal property left by the Tenant and the personal property is being stored in the Residential Property.

Analysis

- [6] Subsection 43.(1)(a) and (b) of the *Act* states:

Where a tenant abandons or vacates a rental unit and leaves personal property on the residential property, the landlord shall either

remove the personal property and immediately place it in safe storage; or

store the personal property on the residential property in a safe manner.

- [7] Subsection 43.(4) of the *Act* states:

The personal property required to be stored under subsection (2) shall be stored for not less than one month or a lesser period ordered by the Director, unless the tenant takes possession of the personal property before the applicable period has elapsed.

[8] Subsection 43.(7)(a) of the *Act* states:

The Director may, on application by a landlord under section 75, authorize the landlord to dispose of personal property referred to in subsection (2) prior to the end of the applicable storage period required under subsection (4) where the Director believes on reasonable grounds that

the personal property has no monetary value.

[9] Based on the evidence and testimony provided, the Officer finds that the Landlord has taken the appropriate actions to locate the owner of the items listed in Appendix "A". The Officer finds that the items listed in Appendix "A" are or appear to be abandoned and have no monetary value. The Officer provided the Representative with a verbal decision during the hearing.

[10] The Officer finds that the Landlord may dispose of the personal property listed in Appendix "A" through the solid waste disposal system on or after June 2, 2023, at 2:00 p.m.

IT IS THEREFORE ORDERED THAT

- A. The Landlord may dispose of the personal property listed in Appendix "A" through the solid waste disposal system on or after June 2, 2023, at 2:00 p.m.

DATED at Charlottetown, Prince Edward Island, this 22nd day of June, 2023.

(sgd.) Mitchell King

Mitchell King
Residential Tenancy Officer

Appendix "A"

1. Can food items
2. Small round table and two chairs
3. Old couch, 1 old chair, 1 old recliner, 1 table lamp
4. Wicker shelf (damaged), shower curtain, cat litter box
5. Glass water pitcher/dispenser
6. Old coffee maker, 1 toaster oven, 1 elec-fry pan/grill
7. Xmas tree decorations
8. Knick knacks
9. Garbage pile amassed outside on property

NOTICE

Right to Appeal

This Order can be appealed to the Island Regulatory and Appeals Commission (the "Commission") by serving a Notice of Appeal with the Commission and every party to this Order within **7** days of this Order. If a document is sent electronically after 5:00 p.m., it is considered received the next day that is not a holiday. If a document is sent by mail, it is considered served on the third day after mailing.

Filing with the Court

If no appeal has been made within the noted timelines, this Order can be filed with the Supreme Court of Prince Edward Island and enforced as if it were an order of the Court.