

Introduction

- [1] On October 18, 2023, the Landlord filed a *Landlord Application to Determine Dispute* (Form 2B) (the "Application") with the Residential Tenancy Office (the "Rental Office") to dispose of personal property left by the Tenant at the Premises.
- [2] On October 31, 2023 the Landlord submitted to the Rental Office an inventory list of the property left by the Tenant at the Rental Unit (the "Inventory List"), along with several photographs.
- [3] The Officer notes that the Tenant was not notified of these proceedings because the Application was made *ex parte* by the Landlord.

Issue to be Decided

- [4] Is the Landlord authorized to dispose of the personal property left by the Tenant in the Rental Unit?

Summary of the Evidence

- [5] The Landlord's evidence is summarized as follows. The Landlord and the Tenant were parties to a fixed term rental agreement for the period of December 1, 2020 to March 31, 2021, which converted to a month to month agreement. Rent in the amount of \$650.00 was due on the first day of the month. The Premises are located in a four-unit building.
- [6] On or about May 25, 2023 Orkin Canada Pest Control attended the Rental Unit to address a cockroach and bedbug infestation.
- [7] In June 2023 the Tenant vacated the Rental Unit without providing notice to the Landlord and without paying the monthly rent. The Tenant has not made any payments to the Landlord since vacating the unit. The Tenant has not responded to the Representative's emails dated October 4, 2023 and November 15, 2023 regarding the disposal of the personal property left by the Tenant at the Rental Unit.

Analysis and Conclusion

- [8] Subsections 43(1) and (7) of the *Act* state:

(1) A tenant is not entitled to leave the tenant's personal property in the rental unit after the tenancy agreement is terminated.

(7) 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

(a) the personal property has no monetary value;

(b) the cost of removing, storing or selling the personal property would be more than the proceeds of the sale; or

(c) the storage of the personal property would be unsanitary or unsafe.

- [9] The Officer has reviewed the Inventory List, photographs and testimony provided by the Representative. The personal property remaining in the Rental Unit either has no monetary value or the cost of removing, storing or selling the property would be more than the proceeds of the sale. In particular, the Officer notes the Representative's evidence regarding the pest remediation work that was required for the Rental Unit.

[10] As a result, the Application is valid. The Landlord may dispose of the personal property stated in the Inventory List through the solid waste disposal system on or after November 17, 2023.

IT IS THEREFORE ORDERED THAT

1. The Landlord may dispose of the personal property stated in the Inventory List through the solid waste disposal system on or after November 17, 2023.

DATED at Charlottetown, Prince Edward Island, this 17th day of November, 2023.

(sgd.) Andrew Cudmore

Andrew Cudmore
Residential Tenancy Officer

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 **20** 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.