

## Introduction

- [1] On October 26, 2023, the Landlord filed a *Landlord Application to Determine Dispute* (Form 2(B)) (the "Application") with the Residential Tenancy Office (the "Rental Office") to dispose of personal property left by the Tenant at the Rental Unit. The Landlord submitted to the Rental Office an inventory list of the property left by the Tenant at the Rental Unit dated October 25, 2023 (the "Inventory List"), along with several photographs.
- [2] The Officer notes that the Application was made *ex parte* by the Landlord. On November 20, 2023 the Residential Tenancy Officer (the "Officer") held a teleconference hearing with the Landlord.

## Issue to be Decided

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

## Summary of the Evidence

- [4] The Landlord's evidence is summarized as follows. The Landlord and the Tenant were parties to a written, month-to-month tenancy agreement for the Rental Unit that commenced on December 1, 2022. Rent in the amount of \$515.00 was due on the first day of the month and a security deposit was not required.
- [5] On August 29, 2023 the Landlord served the Tenant with a termination notice (Form 4(A)) due to the Tenant's behaviour. On October 10, 2023 a Rental Office teleconference hearing was held for determination of the termination notice. On October 12, 2023 Order LD23-480 was issued, which required the Tenant to vacate the Rental Unit by 5:00 p.m. on October 19, 2023. On October 24, 2023 Sheriff Services enforced Order LD23-480.
- [6] The Tenant left personal property at the Rental Unit as of October 19, 2023, the date the Tenant was required to vacate. Drug paraphernalia was discovered by the Landlord throughout a portion of the Rental Unit. The Landlord submitted into evidence a quote from a contractor for the disposal of the personal property. The disposal costs were elevated because the contractor will charge hazard pay due to the presence of needles in the Rental Unit. The Tenant did not pay rent for the month of October 2023 or any month thereafter.
- [7] The Representative submitted into evidence email correspondence with the Tenant regarding the personal property left at the Rental Unit. The Representative attempted to make arrangements with the Tenant for the removal of some of the personal property.

## 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 Officer notes the Landlord's evidence of drug paraphernalia throughout a portion of the Rental Unit, which diminishes or eliminates the value of the property left behind. The Landlord will incur a significant cost disposing of the personal property. The Officer finds that 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. As a result, the Application for disposal of the personal property in the Inventory List is valid.
  
- [10] Based upon the Officer's review of the email correspondence between the Representative and the Tenant, it is appropriate for the Landlord to be authorized to dispose of the personal property remaining at the Rental Unit at or after 12:00 noon on Thursday, November 23, 2023. Should the Tenant wish to pick up any of the personal property that remains at the Rental Unit, the Tenant must immediately contact the Landlord to make arrangements to pick up the property. The Tenant is responsible to remove this personal property by the time and date stated above. The Tenant will not access the Rental Unit, unless agreed to by the Landlord.

**IT IS THEREFORE ORDERED THAT**

- 1. At or after 12:00 noon on Thursday, November 23, 2023 the Landlord may dispose through the solid waste disposal system all of the personal property in the Inventory List that remains at the Rental Unit.
  
- 2. Should the Tenant wish to pick up any of the personal property that remains at the Rental Unit, the Tenant must immediately contact the Landlord to make arrangements to pick up the property. The Tenant is responsible to remove this personal property by the time and date stated above. The Tenant will not access the Rental Unit, unless agreed to by the Landlord.

**DATED** at Charlottetown, Prince Edward Island, this 20th 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.