

## Introduction

- [1] On October 5, 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.
- [2] On October 16, 2023 and November 8, 2023 the Landlord submitted several photographs to the Rental Office showing the personal property.
- [3] On December 1, 2023 the Landlord provided the Rental Office with a list of personal property left behind by the Tenant at the Rental Unit.
- [4] On December 4, 2023 the Landlord participated in a teleconference hearing to determine the Application. The Landlord provided greater details of the personal property left behind by the Tenant and the inventory list was revised (the "Revised Inventory List"). The Officer notes that the Tenant was not notified of these proceedings because the Application was made *ex parte* by the Landlord. The Landlord does not know the Tenant's current mailing address or email address.

## Issue to be Decided

- i. 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 sublet tenancy agreement for the Rental Unit that commenced on June 7, 2023. Rent in the amount of \$500.00 was due by the first day of the month and a \$300.00 security deposit was paid.
- [6] The Rental Unit includes one bedroom of a two-bedroom, one-bathroom apartment.
- [7] On July 6, 2023 the Tenant advised the Landlord that she would vacate the Rental Unit and the Landlord returned the \$300.00 security deposit.
- [8] On July 7, 2023 the Tenant vacated the Rental Unit. The Tenant left behind personal property. The Tenant told the Landlord that she would come back for the personal property because she did not have transportation arranged at that time. The Landlord asked the Tenant to remove her personal property by July 10, 2023.
- [9] On August 31, 2023 the Landlord contacted the person who originally helped the Tenant move into the Rental Unit. However, this person was unwilling to help with the removal of the Tenant's personal property.
- [10] On September 14, 2023 the Landlord called the Tenant and left a voicemail message requesting the Tenant remove her personal property.
- [11] The Tenant's personal property remained in the Rental Unit as of the hearing date. The personal property has little to no value.

## Analysis and Conclusion

- [12] 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.*

[13] The Officer has reviewed the Revised Inventory List, photographs and testimony provided by the Landlord. 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.

[14] As a result, the Application is valid. The Landlord may dispose of the personal property stated in the Revised Inventory List through the solid waste disposal system on or after December 5, 2023.

**IT IS THEREFORE ORDERED THAT**

1. The Landlord may dispose of the personal property stated in the Revised Inventory List through the solid waste disposal system on or after December 5, 2023.

**DATED** at Charlottetown, Prince Edward Island, this 5th day of December, 2023.

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(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.