

Introduction

- [1] On November 13, 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:

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

- [2] The Landlord submitted into evidence an inventory list of the personal property that is at issue along with several photographs.
- [3] The Officer notes that the Tenants were not notified of these proceedings and the Application was made *ex parte* by the Landlord. The inventory list was provided to the Tenants.

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 2021 the Tenants and the Landlord entered into a written, fixed-term tenancy agreement for the Residential Property. Rent was \$900.00 per month and a security deposit of \$900.00 was paid. The Tenants vacated around October 7, 2023.
- [5] The Representative's undisputed evidence is as follows. In November 2023, the Tenants retrieved some of their personal property but left other items behind. On November 18, 2023, and December 8, 2023, the Representative messaged the Tenants about removing the remaining personal property but the Tenants have not retrieved the items. The Representative stated he has stored the items for more than a month and wishes to dispose of them. The personal property is still being stored at the Residential Property.

Analysis

- [6] Subsection 43.(2)(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) 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

- (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 Landlord. The Officer finds that the personal property remaining at the Residential Property either has no monetary value or the cost of removing, storing, or selling the property would be more than the proceeds of the sale.
- [10] As a result, the Application is allowed. The Landlord may dispose of the personal property stated in the inventory list through the solid waste disposal system on or after December 13, 2023.

IT IS THEREFORE ORDERED THAT

- A. The Landlord may dispose of the personal property stated in the inventory list through the solid waste disposal system on or after December 14, 2023.

DATED at Charlottetown, Prince Edward Island, this 14th day of December, 2023.

(sgd.) Mitchell King
Mitchell King
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.