

Introduction

- [1] On February 7, 2024 the Landlord filed a first *Landlord Application to Determine Dispute (Form 2(B))* with the Residential Tenancy Office (the "Rental Office") seeking a monetary order for damage, cleaning, furnace oil, removal costs, rent owing and retention of the security deposit. The first application will be the subject of a later decision.
- [2] On March 6, 2024 the Landlord filed a second *Landlord Application to Determine Dispute (Form 2(B))* with the Rental Office seeking to dispose of the personal property left behind by the Tenant at the Unit (the "Application"), which is the subject of this decision. The Landlord submitted photographs of the personal property to the Rental Office.
- [3] On March 14, 2024 the Landlord emailed the Rental Office and the Tenant a list of the personal property left behind by the Tenant at the Unit (the "Inventory List").
- [4] On March 15, 2024 the Landlord participated in an ex parte teleconference hearing to determine the Application.

Issue to be Decided

- i. Is the Landlord authorized to dispose of the personal property at the Unit left behind by the Tenant?

Summary of the Evidence

- [5] The Landlord's evidence is summarized as follows. The Unit is a two-bedroom, one-bathroom single family dwelling that the Landlord has owned for approximately ten years.
- [6] In 2017 or 2018 the Tenant moved into the Unit and paid a \$700.00 security deposit. During the Tenant's occupancy of the Unit the parties have entered into a number of agreements, with the most recent being a fixed term tenancy agreement. In 2023 the monthly rent for the Unit was \$835.00, due on the first day of the month. The rent was increased to \$860.05 effective January 1, 2024.
- [7] On January 4, 2024 the Landlord hand delivered and text messaged the Tenant an *Eviction Notice (Form 4(A))* dated January 4, 2024 for effect on January 24, 2024 (the "Notice"). The Landlord sought termination of the tenancy for non-payment of January 2024 rent, repeatedly late rent payments and failure to comply with a material term of the tenancy agreement. The Tenant retained control of a key to the Unit until January 30, 2024.
- [8] The Tenant removed all items of value from the Unit by the end of January 2024 and he left behind unwanted items. The Landlord provided testimony regarding the photographs submitted to the Rental Office and the items in the Inventory List.
- [9] The Tenant has been non-responsive to the Landlord's text messages and emails regarding the personal property left behind by the Tenant.

Analysis and Conclusion

- [10] Subsections 43(1) and (7) of the *Residential Tenancy 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.*

[11] The Officer has reviewed the Inventory List, photographs and testimony provided by the Landlord. The Officer finds that the personal property remaining in the 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.

[12] As a result, the Application for disposal of the Tenant's personal property in the Inventory List is valid. The Landlord may dispose of the personal property contained in the Inventory List through the solid waste disposal system on or after March 15, 2024.

IT IS THEREFORE ORDERED THAT

1. The Landlord may dispose of the personal property contained in the Inventory List through the solid waste disposal system on or after March 15, 2024.

DATED at Charlottetown, Prince Edward Island, this 15th day of March, 2024.

(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.