

Introduction

- [1] On April 28, 2024, the Landlord filed a *Landlord Application to Determine Dispute (Form 2(B))* with the Residential Tenancy Office (the "Rental Office"). The Landlord is seeking to dispose of the personal property left behind by the Tenant at the Rental Unit (the "Application") pursuant to the *Residential Tenancy Act* (the "Act"). The Landlord submitted an inventory list and photographs of the personal property to the Rental Office.
- [2] On May 3, 2024, a Landlord Representative (the "Representative") 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 left behind by the Tenant?

Summary of the Evidence

- [3] The Representative stated on December 1, 2023, the parties entered into a written fixed-term tenancy agreement for the Rental Unit, which is located in a two-unit building (the "Residential Property"). Rent was \$700.00 due on the first day of the month. A security deposit of \$700.00 was paid.
- [4] The Representative stated the day the Tenant moved into the Rental Unit, the Tenant found bedbugs in the unit. She stated the Tenant moved out on December 2, 2023, as a result of the bedbugs but left some of her personal property in the Rental Unit. The Representative stated the Rental Unit and Tenant's property were treated for bedbugs and on April 9, 2024, the Tenant was notified she could retrieve her property as the treatments were complete. She stated the Tenant refused to retrieve her property because it had contained bedbugs and the Tenant wants the Landlord to pay for the replacement cost of her items.
- [5] The Representative stated the Tenant was served with a copy of the Application on April 26, 2024. She stated the Tenant has not responded to the Landlord since receiving the Application and has not retrieved her personal property. The Representative stated she is seeking authorization to dispose of the Tenant's personal property. Post-hearing the Representative stated she provided a copy of the inventory list to the Tenant on May 9, 2024.

Analysis and Conclusion

- [6] 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.

- [7] The Representative stated the Tenant notified her that she will not be retrieving her personal property from the Rental Unit. The Officer infers that based on the Representative's testimony that the Tenant does not want or hold any monetary value in the property.
- [8] Based on the evidence presented, the Officer is unable to determine if the cost of removing, storing, or selling the personal property would be more than the proceeds of the sale of the property.
- [9] The Representative stated the Tenant does not want to retrieve the personal property because the Rental Unit had an infestation of bed bugs. The Officer therefore finds the storage of the personal property may be unsanitary or unsafe due to the bed bug infestation.
- [10] As a result, the Application for disposal of the Tenant's personal property in the inventory list is approved. As the Tenant has 20-days to appeal this Order, the Landlord may dispose of the personal property contained in the inventory list through the solid waste disposal system after May 31, 2024.

IT IS THEREFORE ORDERED THAT

- A. The Landlord may dispose of the personal property contained in the Inventory List through the solid waste disposal system after May 31, 2024.

DATED at Charlottetown, Prince Edward Island, this 10th day of May, 2024.

(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.