

INTRODUCTION

- [1] On May 7, 2024 the Landlord's representative (the "Representative") filed a *Landlord Application to Determine Dispute (Form 2(B))* with the Residential Tenancy Office (the "Rental Office") seeking to dispose of the personal property left behind by the Tenant at the Unit (the "Application").
- [2] On May 15, 2024 the Representative emailed the Rental Office a list and photographs of the personal property left behind by the Tenant at the Unit (the "Inventory List").
- [3] On May 30, 2024 the Representative emailed the Tenant a copy of the Inventory List. The Representative participated in an ex parte teleconference hearing with the Residential Tenancy Officer (the "Officer") for determination of the Application.

ISSUE

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

BACKGROUND

- [4] The Landlord and the Tenant entered into a written, one-year fixed term tenancy agreement that commenced on May 1, 2022. The tenancy converted to a month-to-month agreement at the end of the fixed term. Rent in the amount of \$1,024.85 was due on the first day of the month and a \$975.00 security deposit was paid.
- [5] The Landlord filed earlier applications against the Tenant with the Rental Office for rent owing and delivery of possession.
- [6] An earlier hearing was held on March 26, 2024 and Orders LD24-105 and LD24-106 were issued by the Officer. The Tenant was required to vacate the Unit by 5:00 p.m. on April 3, 2024 and pay the Landlord \$1,639.77 in rental arrears by April 15, 2024.
- [7] The Landlord had Order LD24-105 enforced by Sheriff Services.

SUMMARY OF THE EVIDENCE

- [8] The Representative's evidence is summarized as follows. The Representative reviewed the personal property stated in the Inventory List.
- [9] The Tenant has not paid any of the \$1,639.77 in rental arrears provided in Order LD24-106.
- [10] The Tenant's telephone number is not in service. On May 13, 2024 the Representative emailed the Tenant advising that the Landlord is requesting to dispose of the Tenant's personal property. The Tenant has been non-responsive to the Representative's communications.

ANALYSIS & CONCLUSION

- [11] 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.*

- [12] The Officer has reviewed the Inventory List, photographs and testimony provided by the Representative. 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.
- [13] As a result, the Application for disposal of the personal property in the Inventory List is approved.
- [14] As the Tenant may appeal this Order within 20 days, the Officer finds that the Landlord may dispose of the personal property contained in the Inventory List through the solid waste disposal system on or after June 20, 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 June 20, 2024.

DATED at Charlottetown, Prince Edward Island, this 30th day of May, 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.