

INTRODUCTION

- [1] The Landlord wants to dispose of the personal property (the "Personal Property") left by the Tenant in the Unit shown in the Landlord's photographs and inventory list (the "Inventory").

DISPOSITION

- [2] I find that the Landlord may dispose of the Personal Property.

BACKGROUND

- [3] The Unit has two bedrooms and one bathroom and is located in a duplex building that the Landlord has operated for approximately 40 years.
- [4] The Landlord and the Tenant entered into a written, month-to-month tenancy agreement for the Unit that commenced on May 1, 2021. A security deposit was not required. Rent in the amount of \$375.00 was due on the first day of the month.
- [5] The Rental Office determined an earlier eviction dispute between the parties. On August 14, 2024 Order LD24-258 was issued which required the Tenant and all occupants to vacate the Unit by 5:00 p.m. on August 21, 2024.
- [6] On August 22, 2024 Sheriff Services enforced Order LD24-258 and required the Tenant and all occupants to vacate the Unit.
- [7] On October 31, 2024 the Landlord filed a *Form 2 (B) Landlord Application to Determine Dispute* (the "Application") with the Residential Tenancy Office (the "Rental Office") under the *Residential Tenancy Act*. In the Application the Landlord seeks to dispose of the Personal Property. The Landlord emailed the Tenant a copy of the Application.
- [8] On November 18, 2024 the Landlord emailed the Inventory to the Rental Office and the Tenant.
- [9] On November 29, 2024 the Landlord's representative (the "Representative") participated in an ex parte teleconference hearing for determination of the Application.

ISSUE

- A. Can the Landlord dispose of the Personal Property?

ANALYSIS

- [10] The Representative stated that the Landlord has telephoned the Tenant to arrange for the removal of the Personal Property but has received no response. The Tenant has not responded to the Landlord's emails containing the Application and the Inventory.
- [11] The Landlord secured the Unit after Sheriff Services enforced Order LD24-258 on August 22, 2024.
- [12] Around October 31, 2024 and November 15, 2024 the Unit was accessed twice without authorization from the Landlord. Neighbours of the Unit advised the Landlord that it was the Tenant and another person that accessed the Unit on these two occasions.
- [13] The Tenant has not paid the Landlord any storage fees for the Personal Property in the Unit.

[14] 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.

[15] I have reviewed the Inventory, documents and testimony provided by the Landlord. I find that the Personal Property has no monetary value or the cost of removing, storing or selling the Personal Property would be more than the proceeds of the sale.

[16] As a result, the Application for disposal of the Personal Property in the Inventory is valid. The Landlord may dispose of the Personal Property contained in the Inventory through the solid waste disposal system on or after December 20, 2024.

IT IS THEREFORE ORDERED THAT

1. The Landlord may dispose of the Personal Property in the Inventory through the solid waste disposal system on or after December 20, 2024.

DATED at Charlottetown, Prince Edward Island, this 29th day of November, 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.