

INTRODUCTION

- [1] The Landlord wants to dispose of the personal property (the “Personal Property”) left by the Tenant in the Unit, as 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 is one-half of a duplex sublet by the Landlord.
- [4] On October 1, 2023, the parties entered into an oral month-to-month tenancy agreement for the Unit. A security deposit of \$1,300.00 was paid. Rent in the amount of \$1,300.00 was due on the first day of the month.
- [5] The Tenant vacated the Unit in June of 2024.
- [6] On December 3, 2024, the Representative 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* (the “Act”). In the Application, the Landlord seeks to dispose of the Personal Property.
- [7] The Landlord could not serve the Tenant a copy of the Application or the Inventory as the Landlord does not have any current contact information for the Tenant.
- [8] On January 2, 2025, the Representative participated in an ex parte teleconference hearing to determine the Application.

ISSUE

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

ANALYSIS

- [9] The Representative stated the Tenant vacated the Unit in June of 2024 and left items in the Unit. The Representative messaged the Tenant through Facebook Messenger on July 4, 2024, and asked the Tenant to retrieve their personal property. The Tenant did not reply, and the Facebook Messenger chat is locked, so the Representative cannot contact the Tenant. The Landlord has no other contact information for the Tenant.
- [10] The Landlord has stored the Personal Property in the Unit since the Tenant vacated. The Tenant has not paid the Landlord any storage fees for the Personal Property.
- [11] 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.*

- [12] I have reviewed the Inventory, photographs, documents, and testimony provided by the Representative. I find that the Personal Property has no monetary value, and the cost of removing, storing, or selling the Personal Property would be more than the sale proceeds.
- [13] 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 February 3, 2025.

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 February 3, 2025.

DATED at Charlottetown, Prince Edward Island, this 10th day of January 2025.

(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.