

**INTRODUCTION**

- [1] This decision determines a claim in an application filed with the Residential Tenancy Office (the "Rental Office") under the *Residential Tenancy Act* (the "Act").
- [2] The Landlords want to dispose of the personal property (the "Personal Property") left by the Tenant in the Unit stated in the inventory list dated May 5, 2025 (the "Inventory").

**DISPOSITION**

- [3] I find that the Landlords may dispose of the Personal Property on or after August 6, 2025.

**BACKGROUND**

- [4] The Unit is three-bedroom, two-bathroom single family dwelling that the Landlords purchased in November or December of 1991.
- [5] The Landlords, the Tenant and another tenant entered into a first written, fixed-term rental agreement for the Unit from November 3, 2017 to October 31, 2018. Rent in the amount of \$1,500.00 was due on the first day of the month. A security deposit of \$1,500.00 was paid. At the end of the fixed-term the tenancy continued on a month-to-month basis.
- [6] On March 8, 2021 the other tenant advised the Landlords that he had moved out of the Unit.
- [7] The Landlords and only the Tenant entered into a second written, fixed-term rental agreement for the Unit from March 19, 2021 to March 19, 2022. The \$1,500.00 security deposit from the first rental agreement became the security deposit for the second rental agreement. At the end of the fixed-term the tenancy continued on a month-to-month basis (the "Tenancy Agreement"). Near the end of the tenancy, rent in the amount of \$1,580.53 was due on the first day of the month.
- [8] On April 11, 2025 the Landlords served the Tenant with a *Form 4(A) Eviction Notice* with an effective date of May 1, 2025 for non-payment of rent in the amount of \$7,312.12, repeatedly late rent payments, damage to the Unit and a failure to complete repairs.
- [9] On April 15, 2025 the Landlords filed a first *Form 2(B) Landlord Application to Determine Dispute* with the Rental Office with financial claims against the Tenant. This application will be determined in a later decision.
- [10] On May 4, 2025 the Tenant vacated the Unit.
- [11] On May 14, 2025 the Landlords filed a second *Form 2(B) Landlord Application to Determine Dispute* with the Rental Office with a financial claim against the Tenant. This application will be determined in a later decision.
- [12] On May 22, 2025 the Landlords filed a third *Form 2(B) Landlord Application to Determine Dispute* with the Rental Office with financial claims against the Tenant. The financial claims in this application will be determined in a later decision. This application also included a claim requesting an order permitting the Landlords to dispose of the Personal Property that was left behind by the Tenant (the "Claim"), which is the subject of this decision.
- [13] On June 12, 2025 the Rental Office emailed the parties notice of a teleconference hearing scheduled for July 31, 2025, along with copies of the three applications. The Rental Office telephoned the Tenant but received no response.
- [14] On July 16, 2025 the Rental Office emailed the Tenant regarding documentary evidence for the hearing.

- [15] On July 24, 2025 the Rental Office emailed the parties a 469-page evidence package. The Rental Office telephoned the Tenant but received no response.
- [16] On July 28, 2025 the Rental Office emailed the parties a 53-page supplementary evidence package.
- [17] On July 30, 2025 the Landlords submitted an additional 19 pages of evidence to the Rental Office. The Rental Office telephoned the Tenant regarding the teleconference hearing but received no response.
- [18] On July 31, 2025 one of the Landlords joined the teleconference hearing. I telephoned the Tenant but there was no response and I was unable to leave a voicemail message. I emailed the Tenant an additional copy of the updated notice of hearing and advised that the hearing would be proceeding. The hearing proceeded in the Tenant's absences ten minutes after the scheduled time.
- [19] The Landlords have been provided with additional time to submit evidence regarding their financial claims. A later decision will be issued regarding the Landlords' financial claims. This decision solely determines the Landlords' claim for disposal of the Personal Property.

## ISSUE

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

## ANALYSIS

- [20] The Landlords' evidence is summarized as follows.
- [21] The Tenant moved out of the Unit and left behind the Personal Property. On or about May 5, 2025 the Landlords provided the Tenant with the Inventory.
- [22] On or about May 6, 2025 the Tenant and the Landlords had the following text message correspondence:
- Landlords
- "There are still items in the house- do you want them or can I dispose. Also, I need the keys to mailbox – please let me know when I can pick up. Thank you"*
- Tenant
- "You can dispose of what's left. [Name] has my mailbox key. I'll ask him to deliver them and let you know when"*
- [23] The Landlords have not received further communications from the Tenant since the May 6, 2025 text message, quoted above.
- [24] 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.*

- [25] I have reviewed the Inventory, documents and testimony provided by the Landlords. 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.
- [26] I also find that the Tenant has agreed to the Landlords disposing of the Personal Property in the Inventory.
- [27] As a result, the Claim for disposal of the Personal Property in the Inventory is valid. The Landlords may dispose of the Personal Property contained in the Inventory on or after August 6, 2025.

**IT IS THEREFORE ORDERED THAT**

1. The Landlords may dispose of the Personal Property in the Inventory on or after August 6, 2025.

**DATED** at Charlottetown, Prince Edward Island, this 4th day of August, 2025.

(sgd.) Andrew Cudmore

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**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.