

INTRODUCTION

- [1] This decision determines an *ex parte* application filed with the Residential Tenancy Office (the "Rental Office") under the *Residential Tenancy Act* (the "*Act*").
- [2] The Landlord wants to dispose of the personal property (the "Personal Property") left behind by the Tenant in the Unit.

DISPOSITION

- [3] I find that the Landlord may dispose of the Personal Property on or after September 17, 2025.

BACKGROUND

- [4] The Unit is a one-bedroom, one-bathroom apartment in the Landlord's building, which contains residential and commercial units.
- [5] The parties entered into a written, fixed-term tenancy agreement for the Unit from March 1, 2025 to February 28, 2026 (the "Tenancy Agreement").
- [6] The parties had an earlier eviction dispute determined by the Rental Office. On July 25, 2025 Order LD25-271 was issued, which required the Tenant to vacate the Unit by August 1, 2025.
- [7] On or about August 7, 2025 the Landlord had Order LD25-271 enforced by Sheriff Services. The Tenant was required to vacate the Unit.
- [8] On August 22, 2025 the Landlord filed an *ex parte Form 2(B) Landlord Application to Determine Dispute* with the Rental Office requesting an order permitting the Landlord to dispose of the Personal Property that was left behind by the Tenant (the "Application"), which is the subject of this decision.
- [9] On August 26, 2025 the Rental Office emailed the Tenant regarding the Personal Property. The Rental Office did not receive a response.
- [10] On September 3, 2025 the Rental Office telephoned the Tenant and left a voicemail message regarding the Personal Property. The Rental Office did not receive a response.
- [11] On September 7, 2025 the Landlord sent the Rental Office an inventory (the "Inventory") of the Personal Property.
- [12] On September 11, 2025 the Rental Office emailed the Landlord and the Tenant a copy of the Application, the Inventory, Landlord email evidence and a copy of Order LD25-271.
- [13] On September 12, 2025 the Landlord's representative participated in a teleconference hearing.

ISSUE

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

ANALYSIS

- [14] I note that applications and proceedings regarding disposal of personal property are distinct from other applications under the *Act*. Subsection 43(6) of the *Act* states:

A landlord who stores a tenant's personal property under subsection (2) may apply to the Director under section 75, without notice to the tenant, for permission to dispose of the tenant's personal property.

- [15] The Tenant vacated the Unit and left behind the Personal Property. I note that the Tenant was required to remove the Personal Property under subsection 43(1), which states:

A tenant is not entitled to leave the tenant's personal property in the rental unit after the tenancy agreement is terminated.

- [16] The Representative emailed the Tenant on August 22, 2025, August 26, 2025, August 27, 2025, August 29, 2025 and August 30, 2025 requesting the Tenant to make arrangements to remove the Personal Property. The Representative stated that he also telephoned the Tenant almost every day since around August 22, 2025 to arrange for the Personal Property to be removed, but the Representative has received no response from the Tenant.

- [17] Subsection 43(7) of the *Act* states:

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.*

- [18] The Representative provided evidence regarding needles, drugs and drugs-related items left behind in the Unit. The Representative provided evidence essentially that the Personal Property has limited to no monetary value.
- [19] 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.
- [20] 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 on or after the timeline below.
- [21] The Representative stated that the Landlord has some willingness to arrange for the Tenant to immediately remove the Personal Property.
- [22] I note that if the Tenant wants any of the Personal Property, then the Tenant should immediately contact the Representative to make arrangements and remove the Personal Property before the timeline below.

IT IS THEREFORE ORDERED THAT

1. The Landlord may dispose of the Personal Property in the Inventory on or after September 17, 2025.

DATED at Charlottetown, Prince Edward Island, this 12th day of September, 2025.

(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.