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 Deceased in the Unit.

DISPOSITION

[3] I find that the Landlord may dispose of the Personal Property on or after September 19, 2025.

BACKGROUND

[4] The Unit is a two-bedroom, one-bathroom apartment in the Landlord's building (the "Residential Property").

[5] In July 2011, the Deceased and a former landlord entered into a tenancy agreement for the Unit.

[6] In November 2020, the Landlord purchased the Residential Property, and the tenancy agreement continued on a month-to-month basis. The Landlord is unsure whether he received a security deposit from the previous landlord or if the Deceased paid a security deposit.

[7] In June 2025, the Deceased died, and the Personal Property was put into storage.

[8] On July 14, 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 Deceased (the "Application").

[9] The Landlord provided a copy of the Application to one of the Deceased's family members ("DS").

[10] The Landlord also applied to keep the security deposit; however, the Landlord withdrew that part of the Application at the hearing.

[11] On July 16, 2025, the Landlord sent the Rental Office an inventory (the "Inventory") of the Personal Property. A copy was provided to DS.

[12] On August 20, 2025, the Rental Office emailed the Landlord notice of a teleconference hearing scheduled for September 16, 2025. A copy was provided to DS.

[13] On September 8, 2025, the Rental Office called and left a voicemail message for DS with the teleconference hearing details. DS did not reply to the Rental Office.

[14] On September 10, 2025, the Rental Office emailed the Landlord a copy of an evidence package. A copy was provided to DS.

[15] On September 12, 2025, the Landlord and the Landlord's witness participated in a teleconference hearing. No one representing the Deceased participated in the hearing.

ISSUE

A. Can the Landlord dispose of the Personal Property?

ANALYSIS

[16] The Landlord stated that the Personal Property has been in storage since the Deceased died. He stated that the Personal Property is covered in urine and is a health hazard. The Landlord stated that no one has come forward as a representative of the estate to claim the Personal Property.

[17] The Landlord stated that he had contacted two of the Deceased's family members regarding the Personal Property. One family member stated that she was not responsible for the estate. The Landlord stated that he had provided the Application and all documents requested by the Rental Office to DS, who is the other family member. DS has asked the Landlord to stop contacting him.

[18] 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.*

[19] I have reviewed the Inventory, documents and testimony provided by the Landlord. I find that the Personal Property has no monetary value, and the continued storage of the personal property would be unsanitary or unsafe.

[20] I find that the Landlord has made reasonable efforts to locate an estate representative to take possession of the Personal Property; however, no estate representative has claimed the Personal Property since June 2025.

[21] As a result, the Application for the 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.

IT IS THEREFORE ORDERED THAT

1. The Landlord may dispose of the Personal Property in the Inventory on or after September 19, 2025.

DATED at Charlottetown, Prince Edward Island, this 17th day of September, 2025.

(sgd.) Mitch King

Mitch 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.