

INTRODUCTION

- [1] This decision determines an application filed with the Residential Tenancy Office (“Rental Office”) under the *Residential Tenancy Act* (“Act”).
- [2] The Landlord requests an order permitting the removal of two vehicles from the Residential Property.

DISPOSITION

- [3] The Landlord may have the Tenant’s two vehicles professionally towed after the timeline below.

BACKGROUND

- [4] The Unit is an apartment in a building (“Residential Property”).
- [5] On May 1, 2023, the parties entered into an oral, monthly tenancy agreement for the Unit. The Tenant paid a \$500.00 security deposit. Rent in the amount of \$900.00 is due on the first day of the month.
- [6] On August 13, 2025, the Landlord’s representative (“Representative”) served the Tenant with a *Form 4(A) Eviction Notice* with an effective date of September 2, 2025 (“Notice”) for non-payment of rent, in the amount of \$1,000.00.
- [7] On August 21, 2025, the Representative filed a first *Form 2(B) Landlord Application to Determine Dispute* (“First Application”) with the Rental Office requesting an order to remove two vehicles from the Residential Property, which is determined in this decision.
- [8] On September 4, 2025, the Representative filed a second *Form 2(B) Landlord Application to Determine Dispute* (“Second Application”) with the Rental Office seeking vacant possession of the Unit and for Sheriff Services to put the Landlord in possession, which is determined in Order LD25-353.
- [9] Collectively, the First Application and the Second Application are referred to as the “Applications”.
- [10] On September 12, 2025, the Rental Office provided the parties notice of a teleconference hearing scheduled for September 23, 2025, along with copies of the Applications.
- [11] On September 19, 2025, the Rental Office emailed the parties a 16-page evidence package.
- [12] On September 23, 2025, the Representative joined the teleconference hearing for determination of the Applications. I telephoned and emailed the Tenant the teleconference details, along with a copy of the evidence package. The hearing proceeded ten minutes after the scheduled time without the Tenant. The Representative confirmed that all evidence submitted to the Rental Office was included.

ISSUE

- A. Can the Landlord remove the Tenant’s two vehicles from the Residential Property?

ANALYSIS

[13] In Order LD25-353, I have found that the tenancy will end at 5:00 p.m. on October 1, 2025.

[14] The Landlord's evidence establishes that the Tenant has two vehicles: A Dodge Caravan and a GTI Volkswagen, which have flat tires. The vehicles have not been registered or inspected since 2023.

[15] The Representative stated that he has requested that the Tenant remove the two vehicles many times. The Representative stated that the Tenant has told him in August 2025 that he would remove the vehicles "within a week." The Representative stated that the Tenant has not removed the vehicles as of the date of the hearing.

[16] Subsections 43(1) and (2) of the *Act* state:

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

Where a tenant abandons or vacates a rental unit and leaves personal property on the residential property, the landlord shall either

- (a) remove the personal property and immediately place it in safe storage; or*
- (b) store the personal property on the residential property in a safe manner.*

[17] Clause 85(1)(p) of the *Act* states:

After hearing an application, the Director may make an order

- (p) Imposing terms and conditions the Director considers appropriate, including terms and conditions to ensure compliance with this Act, the regulations and the tenancy agreement.*

[18] I find that the evidence establishes that the Tenant still has possession of the Unit. As the Tenant still has possession of the Unit, I cannot conclude that the Tenant has abandoned or vacated the Unit.

[19] As a result, I find that the two vehicles are not considered abandoned personal property under subsection 43(2) of the *Act*.

[20] I find it is appropriate in this case to approve the First Application to ensure that the Tenant complies with subsection 43(1) of the *Act*.

[21] The Tenant must remove the two vehicles from the Residential Property by the timeline below.

[22] If the Tenant does not remove the two vehicles from the Residential Property by the timeline below, then the Landlord may have a professional towing company remove the two vehicles from the Residential Property after the timeline below.

IT IS THEREFORE ORDERED THAT

1. The Tenant must remove the two vehicles from the Residential Property by **5:00 p.m. on October 1, 2025.**
2. The Landlord may have a professional towing company remove the two vehicles from the Residential Property after 5:00 p.m. on October 1, 2025.

DATED at Charlottetown, Prince Edward Island, this 24th day of September, 2025.

(sgd.) Cody Burke

Cody Burke
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.