

INTRODUCTION

- [1] This decision determines three applications filed with the Residential Tenancy Office (the "Rental Office") under the *Residential Tenancy Act* (the "Act").
- [2] The Landlord seeks an order requiring the Tenants to pay rent owing and to dispose of the Tenants' Personal Property.
- [3] The Tenants seek an order seeking a determination and requiring the Landlord to compensate the Tenants.

DISPOSITION

- [4] I find that the Landlord's rent owing claim is denied.
- [5] The Landlord's disposal of personal property claim is premature. It can be determined after the tenancy agreement ends.
- [6] I find that the Tenant Application is denied.

BACKGROUND

- [7] The Unit is an apartment in a multi-unit building.
- [8] The Landlord and the Tenants entered into a written, fixed-term tenancy agreement from April 1, 2025, to April 1, 2026. A security deposit of \$1,000.00 was paid on April 1, 2025. Rent of \$1,300.00 is due on the first day of the month.
- [9] On July 4, 2025, the Landlord served the Tenants with a *Form 4(A) Eviction Notice* with an effective date of August 5, 2025 (the "Notice") for non-payment of rent of \$2,000.00 and for failing to comply with a material term of the tenancy agreement.
- [10] The particulars of termination stated:
- "She not payed rent + not clean unit [unclear] with rate. Not put any thing in pin throw around lot."*
- [11] I note that, regarding the failure to comply with a material term of the tenancy agreement, the correct effective date is August 31, 2025, to comply with the minimum notice period as outlined in subsection 61(3) of the Act. The effective date is automatically changed under section 54.
- [12] On August 12, 2025, the Landlord filed an amended *Form 2(B) Landlord Application to Determine Dispute* (the "Landlord Application") with the Rental Office seeking vacant possession of the Unit and for the Sheriff to put the Landlord in possession, which is the subject of Order LD25-358. The Landlord Application also seeks rent owing, which is determined in this Order.
- [13] On August 13, 2025, the Tenants filed a *Form 2(A) Tenant Application to Determine Dispute* (the "Tenant Application") with the Rental Office seeking a determination and compensation.
- [14] On August 21, 2025, the Rental Office sent the parties notice of a teleconference hearing scheduled for September 4, 2025.
- [15] On August 28, 2025, the Rental Office emailed the parties an evidence package.
- [16] On September 4, 2025, neither party called into the hearing, and the hearing did not proceed.

- [17] On September 10, 2025, the Rental Office sent the parties notice of a rescheduled teleconference hearing for September 18, 2025.
- [18] On September 18, 2025, the Landlord joined the teleconference hearing. I telephoned the Tenants and left a voicemail message. The hearing proceeded in the Tenants' absence. The Landlord confirmed receipt of the evidence package and confirmed that all evidence that the Landlord submitted to the Rental Office was included.
- [19] After the hearing, both parties were permitted to submit additional evidence with a deadline of September 26, 2025, at 4:00 pm.
- [20] On September 22, 2025, the Landlord filed a *Form 2(B) Landlord Application to Determine Dispute* (the "Disposal Application") with the Rental Office seeking to dispose of the Tenants' personal property.

ISSUES

- A. Do the Tenants owe the Landlord rent?
- B. Must the Landlord compensate the Tenants?
- C. Can the Landlord dispose of the Tenants' Personal Property?

ANALYSIS

A. Do the Tenants owe the Landlord rent?

- [21] In Order LD25-358, I have found that the Landlord has not provided sufficient evidence to establish that the Tenants owe the Landlord rent. Therefore, this part of the Landlord Application is denied.

B. Must the Landlord compensate the Tenants?

- [22] The Tenant Application seeks a determination and \$806.00 in compensation for loss of food. The Tenants did not participate in the hearing to provide testimony regarding the Tenant Application. Furthermore, I find that the Tenants have not provided sufficient documentary evidence to establish their claims. The Tenant Application is denied.

B. Can the Landlord dispose of the Tenants' Personal Property?

- [23] 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.

- [24] In Order LD25-358, I have found that the tenancy will end at 5:00 p.m. on October 6, 2025.
- [25] I find that the evidence establishes that the Tenants still have possession of the Unit until the vacate date. As the Tenants still have possession of the Unit, I cannot conclude that the Tenants have abandoned or vacated the Unit.
- [26] As a result, I find that the Tenants' Personal Property is not considered abandoned personal property under subsection 43(2) of the Act. The Disposal Application is premature.

[27] If the Tenants leave Personal Property in the Unit after vacating, the Landlord may contact the Rental Office to schedule a new hearing regarding the disposal of the Tenants' remaining Personal Property, based on the Disposal Application. The Landlord will also be required to provide an inventory of the remaining Personal Property.

[28] As such, I will not determine the Disposal Application at this time.

IT IS THEREFORE ORDERED THAT

1. The Landlord Application is denied.
2. The Tenant Application is denied.

DATED at Charlottetown, Prince Edward Island, this 29th 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.

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.