

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 Tenant’s personal property (the “Personal Property”).

DISPOSITION

- [3] I find that the Landlord may dispose of the Personal Property on or after October 10, 2025. The Landlord may also sell the Personal Property in accordance with section 43 of the *Act* on or after October 10, 2025.

BACKGROUND

- [4] The Unit is a one-bedroom, one-bathroom unit located in a three-unit building.
- [5] The occupant of the Unit and a former owner entered into an oral, month-to-month tenancy agreement that started over ten years ago (the “Tenancy Agreement”). Rent in the amount of \$650.00 was due on the first day of the month.
- [6] The occupant of the Unit (the “Deceased”) passed away in late December of 2024. The Tenant is the Deceased’s estate.
- [7] On March 10, 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 remained in the Unit when the Deceased passed away (the “Application”).
- [8] On April 16, 2025 the Landlord emailed the Rental Office details of the Personal Property that belongs to the Tenant (the “Inventory”).
- [9] On May 14, 2025 and October 10, 2025 the Landlord participated in an *ex parte* teleconference hearing.

ISSUE

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

ANALYSIS

- [10] 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.

- [11] Any personal representative of 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.

[12] The Landlord provided evidence regarding the efforts that have made to find a personal representative of the Deceased. The Landlord's efforts have been unsuccessful. The Landlord has also been unable to locate any family of the Deceased interested in receiving the Tenant's Personal Property. The Landlord has not been contacted by any creditor of the Deceased.

[13] I note that there is no record in Prince Edward Island's Royal Gazette of an executor or administrator being appointed for the Tenant.

[14] 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.

[15] 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 exceed the proceeds of the sale. I note that, at this point, the Landlord has been storing the Personal Property for almost ten months.

[16] 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. The Landlord may also sell the Personal Property in accordance with section 43 of the *Act*.

IT IS THEREFORE ORDERED THAT

1. The Landlord may dispose of the Personal Property in the Inventory on or after October 10, 2025.
2. The Landlord may also sell the Personal Property in accordance with section 43 of the *Act* on or after October 10, 2025.

DATED at Charlottetown, Prince Edward Island, this 10th day of October, 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.