

INTRODUCTION

- [1] This decision determines part of an 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 in the Unit.

DISPOSITION

- [3] I find that the Landlord may dispose of the Personal Property on or after November 7, 2025.

BACKGROUND

- [4] The Unit is a two-bedroom, two-bathroom apartment in a 70-unit building that the Landlord owns.
- [5] The Landlord, the Tenant and another tenant ("KA") entered into a written, fixed-term tenancy agreement for the Unit from December 21, 2020 to December 31, 2021 (the "Tenancy Agreement"). The original rent was \$1,395.00, due on the first day of the month. A security deposit of \$1,395.00 was paid near the beginning of the tenancy. At the end of the fixed-term the tenancy continued on a month-to-month basis.
- [6] Around January of 2024 KA moved out of the Unit and KA's tenancy with the Landlord ended.
- [7] On September 3, 2025 the Landlord served the Tenant with a *Form 4(A) Eviction Notice* with a vacate date of September 23, 2025 for non-payment of rent in the amount of \$4,620.00 and repeatedly late rent payments. The Tenant vacated the Unit. The Landlord permitted the Tenant to clean up the Unit until September 28, 2025.
- [8] On October 3, 2025 the Landlord filed a *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 in the Unit (the "Application"), which is the subject of this decision. The Application also makes financial claims against the Tenant, which will be the subject of a later hearing and decision.
- [9] On October 22, 2025 the Landlord sent the Rental Office an inventory (the "Inventory") of the Personal Property. On October 24, 2025 the Landlord sent the Inventory to the Tenant.
- [10] On November 3, 2025 I emailed the parties regarding a hearing date.
- [11] On November 4, 2025 I emailed the parties notice of a teleconference hearing scheduled for 2:00 p.m. on November 5, 2025.
- [12] On November 5, 2025 the Landlord's representative (the "Representative") participated in a teleconference hearing. I telephoned the Tenant but I received no response. The hearing proceeded in the Tenant's absence.

ISSUE

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

ANALYSIS

- [13] 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.

- [14] 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.

- [15] The evidence establishes that the Tenant has been non-responsive to the Landlord and the Rental Office's communications regarding the Personal Property remaining in the Unit. I find that the Tenant has had sufficient time to remove the Personal Property from the Unit.

- [16] 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.*

- [17] The Representative provided evidence regarding the condition of the Unit and the negative impact on the Personal Property. The Representative provided evidence essentially that the Personal Property has limited to no monetary value or that the value would not exceed the cost of storing and arranging for sale.

- [18] I have reviewed the Landlord's evidence and 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.

- [19] 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.

IT IS THEREFORE ORDERED THAT

1. The Landlord may dispose of the Personal Property in the Inventory on or after November 7, 2025.

DATED at Charlottetown, Prince Edward Island, this 5th day of November, 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.