

**INTRODUCTION**

- [1] This decision determines 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 by the Tenant in the Unit stated in the inventory list (the "Inventory").

**DISPOSITION**

- [3] The Landlord may immediately dispose of any of the Personal Property that is unsanitary or unsafe as of the date of this Order.
- [4] The Landlord may dispose of the remaining Personal Property in the Inventory on or after December 23, 2025.

**BACKGROUND**

- [5] The Unit is a one-bedroom, one-bathroom apartment in a four-unit building owned by the Landlord.
- [6] On June 1, 2024, the parties entered into an oral, monthly tenancy agreement for the Unit. Rent of \$775.00 was due on the first day of the month. A security deposit of \$400.00 was required but was not paid.
- [7] In Order LD25-204, the Tenant was ordered to vacate the Unit by June 16, 2025. The Landlord stated that the Tenant was arrested on June 12, 2025, and has been incarcerated since that time.
- [8] On October 23, 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 by the Tenant (the "Application"). The Landlord also provided the Rental Office with a copy of the Inventory and photographs of the Personal Property.
- [9] On October 23, 2025, the Landlord served the Tenant a copy of the Application and Inventory at the Provincial Correctional Centre.
- [10] On November 28, 2025, the Landlord participated in a teleconference hearing.

**ISSUE**

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

**ANALYSIS**

- [11] The Landlord stated that the Tenant was ordered to vacate the Unit on June 16, 2025, in accordance with Rental Office Order LD25-204. The Landlord stated that the Tenant was arrested at the Unit on June 12, 2025, and has been incarcerated since then.
- [12] The Landlord stated that the Tenant's Personal Property has been stored in the Unit since the Tenant vacated. The Landlord submitted an Inventory and photographs of the Personal Property as evidence. The Landlord stated the Tenant has not contacted the Landlord to retrieve the Personal Property, despite being served with the Application and Inventory list at the Provincial Correctional Centre.

[13] Subsections 43(1) and (7) of the *Act* state:

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

*(7) 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.*

[14] I have reviewed the Inventory, documents and testimony provided by the Landlord. I find that the Personal Property has no monetary value; the cost of removing, storing, or selling the Personal Property would be more than the proceeds of the sale; and that the continued storage of some of the Personal Property would be unsanitary or unsafe, such as spoiled food and garbage.

[15] As a result, the Application for the disposal of the Personal Property in the Inventory is valid.

[16] The Landlord may immediately dispose of any of the Personal Property that is unsanitary or unsafe as of the date of this Order.

[17] The Landlord may immediately dispose of the remaining Personal Property contained in the Inventory on or after the timeline below.

**IT IS THEREFORE ORDERED THAT**

1. The Landlord may dispose of any of the Personal Property that is unsanitary or unsafe as of the date of this Order.
2. The Landlord may dispose of the remaining Personal Property in the Inventory on or after December 23, 2025.

**DATED** at Charlottetown, Prince Edward Island, this 2nd day of December, 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.