

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 behind in the Unit in the inventory list provided to the Rental Office on October 16, 2025 (the "Inventory List").

DISPOSITION

- [3] The Landlord can dispose of the Personal Property in the Inventory List immediately.
- [4] This Order does not authorize the Landlord to dispose of any vehicles or trailers that the Tenant has left at the Residential Property.

BACKGROUND

- [5] The Unit is a two-bedroom, one-bathroom apartment in an eight-unit building (the "Residential Property").
- [6] The Tenant and a former owner of the Residential Property entered into a written tenancy agreement that started around February 1, 2018 (the "Tenancy Agreement"). A security deposit of \$500.00 was paid. Rent of \$820.00 was due on the first day of the month.
- [7] In 2021 the Landlord purchased the Residential Property and the Tenancy Agreement continued.
- [8] On May 2, 2025, after 5:00 p.m., the Landlord emailed the Tenant a *Form 4(A) Eviction Notice* with an effective date of May 23, 2025 for non-payment of rent, in the amount of \$1,230.00.
- [9] On May 26, 2025 the Landlord filed a *Form 2(B) Landlord Application to Determine Dispute* with the Rental Office seeking vacant possession of the Unit and for the Sheriff to put the Landlord in possession, which was determined in Order LD25-233. The Tenant was ordered to vacate the Unit by July 3, 2025.
- [10] This earlier application also sought rent owing, which was determined in Order LD25-234. The Landlord was permitted to keep the Tenant's security deposit, including interest, in the amount of \$546.78. The Tenant was ordered to pay the Landlord additional rent owing, in the amount of \$1,582.57.
- [11] On July 3, 2025 the Tenant appealed Order LD25-233 to the Island Regulatory and Appeals Commission (the "Commission"). On September 5, 2025 the Commission issued Order LR25-40, which required the Tenant to vacate the Unit by September 10, 2025.
- [12] The Tenant vacated the Unit before September 23, 2025.
- [13] On October 16, 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 Landlord also submitted the Inventory List.
- [14] On October 20, 2025 the Landlord emailed the Tenant the Inventory List.
- [15] On December 2, 2025 the Rental Office emailed the parties regarding a teleconference hearing date. The Rental Office attached a copy of the Application and the Inventory List to the email.

- [16] On December 3, 2025 the Rental Office emailed the parties notice of a teleconference hearing scheduled for December 4, 2025.
- [17] On December 3, 2025 the Tenant emailed the Rental Office indicating that the Landlord could dispose of the items in the Inventory List.
- [18] On December 4, 2025 the Landlord's two representatives (the "Representatives") participated in a teleconference hearing for determination of the Application.

ISSUE

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

ANALYSIS

- [19] 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.

- [20] 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.

- [21] The evidence establishes that the Landlord has made a number of attempts to arrange for the Tenant to remove the Personal Property. Further, on December 3, 2025 the Tenant emailed the Rental Office and the Landlord to advise that the Landlord could dispose of the Personal Property.

- [22] 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.*

- [23] The Representatives 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.

- [24] 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.

- [25] As a result, the Application for disposal of the Personal Property in the Inventory List is valid. The Landlord may dispose of the Personal Property contained in the Inventory List on or after the timeline below.

- [26] The Representatives provided evidence that the Tenant may have also left vehicles and trailers at the Residential Property.

- [27] Any vehicles or trailers were excluded from the Inventory List and are not determined in this decision.
- [28] If the vehicles and trailers removal matter does not resolve, then the Landlord can file an additional application with the Rental Office for disposal of any Tenant vehicles and trailers.

IT IS THEREFORE ORDERED THAT

1. The Landlord may dispose of the Personal Property in the Inventory List on or after December 4, 2025.

DATED at Charlottetown, Prince Edward Island, this 4th day of December, 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.