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 seeks permission to dispose of the personal property (the "Personal Property") that the Tenant left behind in the Unit that is contained in the inventory list (the "Inventory List") that was provided to the Rental Office and the Tenant on May 22, 2026.

DISPOSITION

[3] The Landlord may dispose of the Personal Property in the Inventory List on the terms provided below.

BACKGROUND

[4] The Unit is a two-bedroom, one-bathroom apartment located in a four-unit building (the "Residential Property") that the Landlord has managed since November 19, 2021.

[5] The Landlord and the Tenant entered into a written, fixed-term tenancy agreement from December 1, 2025 to November 30, 2026. Rent in the amount of $1,195.00 was due on the first day of the month. A security deposit of $1,195.00 was paid on November 24, 2025.

[6] On January 29, 2026 the Landlord served the Tenant a *Form 4(A) Eviction Notice* with a vacate date of February 28, 2026 (the "Notice").

[7] On March 11, 2026 the Landlord filed with the Rental Office and served the Tenant with a first *Form 2(B) Landlord Application to Determine Dispute* seeking rent owing and vacant possession of the Unit.

[8] On March 13, 2026 the Landlord became aware that the Tenant had vacated the Unit.

[9] On March 27, 2026 the Landlord filed with the Rental Office and served the Tenant with a second *Form 2(B) Landlord Application to Determine Dispute* seeking rent owing, permission to keep the Tenant's security deposit and additional compensation.

[10] I note that the Landlord's financial claims will be determined in a later decision.

[11] On April 21, 2026 the Rental Office sent the parties notice of a tele-hearing scheduled for May 26, 2026.

[12] On May 8, 2026 the Rental Office sent the parties a 212-page PDF evidence package.

[13] On May 22, 2026 the Landlord filed with the Rental Office and served the Tenant with a third *Form 2(B) Landlord Application to Determine Dispute* (the "Application") seeking permission to dispose of the Personal Property that was left behind in the Unit, which is the subject of this decision. The Inventory List is contained in the Application.

[14] On May 25, 2026 the Representative participated in a tele-hearing for determination of the applications. I telephoned the Tenant but the Tenant did not answer my call. I left a voicemail message to join the teleconference immediately and to telephone the Rental Office's reception if the Tenant had difficulty joining the hearing. I also emailed the Tenant informing that the hearing would proceed ten minutes after the scheduled time regarding the Landlord's applications. The hearing proceeded in the Tenant's absence.

[15] On page 13 of the evidence package a TitanFile email was included in error. It is replaced by the correct TitanFile email that will accompany the Rental Office email to the parties with this Order. The Representative confirmed that he was not aware of any other evidence missing from the evidence package. The Landlord amended the financial claim amount and emailed the amendment to the Tenant.

ISSUE

A. Can the Landlord dispose of the Personal Property?

ANALYSIS

[16] 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.*

[17] 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.*

[18] The Representative provided evidence regarding the Landlord's efforts to arrange for the Tenant to remove the Personal Property. However, the Tenant still has not collected the Personal Property.

[19] The Landlord provided photographs of the Personal Property. The Representative stated that the Royal Canadian Mounted Police removed the firearms shown in the Landlord's photographs.

[20] 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.*

[21] I have reviewed the Inventory, documents and testimony provided by the Landlord. The Representative provided evidence regarding the work that would be involved to attempt to sell the Personal Property.

[22] Upon review of the evidence provided, 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. I note that the Landlord has been securely storing the Tenant's belongings since March 20, 2026, over two months ago.

[23] For these reasons, I find that the Application for disposal of the Personal Property in the Inventory List is valid.

[24] The Landlord requested permission to dispose of the Personal Property before June 6, 2026 because the Landlord needs the storage space for other purposes.

[25] In this case the Tenant has not given the Landlord permission to dispose of the Personal Property.

[26] The Landlord and the Tenant recently agreed for the Tenant to remove the Personal Property from storage between 12:30 p.m. and 2:30 p.m. on May 21, 2026.

[27] The Landlord had a worker waiting at the storage location for about two hours, however, the Tenant *"no-showed"* at the agreed upon time and was non-responsive to telephone and email correspondence. The Representative stated that this was a very frustrating experience.

[28] I turn to the relevant appeal period for this Order in section 89 of the *Act*.

[29] The general timeline for filing an appeal to the Island Regulatory and Appeals Commission is 20 days under subsection 89(4) of the *Act*. The appeal period is shortened to 7 days for section 60 and section 61 eviction orders under subsection 89(5). There is no comparable clause providing a shorter appeal period for disposal of personal property orders.

[30] In the circumstances of this case, where the Tenant has not agreed to the disposal of the Personal Property and the Tenant has recently expressed interest in obtaining the Personal Property, I find that the Landlord must wait for the 20-day appeal period to expire before disposing of the Personal Property, as ordered below.

[31] I note that, if the Tenant wants any of the Personal Property, then the Tenant must immediately contact the Landlord to make arrangements and in fact remove the Personal Property as soon as possible.

IT IS THEREFORE ORDERED THAT

1. The Landlord may dispose of the Personal Property contained in the Inventory List on or after June 19, 2026. This Order does not authorize the Landlord to dispose of the Personal Property before this date.

DATED at Charlottetown, Prince Edward Island, this 29th day of May, 2026.

(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.