

INTRODUCTION

- [1] This decision determines the Landlord's disposal of personal property 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 Tenants left behind in the Unit that is contained in the inventory list (the "Inventory List") that the Landlord emailed to the Rental Office and the Tenants on June 19, 2026.

BACKGROUND

- [3] The Unit is located in a three-bedroom, two-bathroom mobile home (the "Mobile Home") that the Landlord has owned since around the end of July 2018. The Landlord lived in the Unit until around August of 2025.
- [4] The Landlord rents a mobile home site from the mobile home park's property owner.
- [5] Around September 1, 2025 the Landlord and the Tenants started a monthly tenancy agreement for the Unit. The Tenants paid a security deposit of \$1,500.00. Rent in the amount of \$2,000.00 was due on the first day of the month. The tenancy agreement excluded one of the Mobile Home's bedrooms, which the Landlord used for personal property storage.
- [6] On February 26, 2026 the Landlord served the Tenants with a *Form 4(A) Eviction Notice* dated February 23, 2026 with a vacate date of March 31, 2026 (the "Notice") for non-payment of rent in the amount of \$500.00, repeatedly late rent payments, an unreasonable number of occupants, behaviour disturbing others and illegal activity.
- [7] On March 24, 2026 one of the Tenants ("TI") signed a *Form 10 Undertaking* which stated in part that TI would not contact the Landlord under any circumstances.
- [8] On March 25, 2026 TI signed a document permitting the other tenant ("RG") to represent him regarding the Rental Office dispute.
- [9] On March 25, 2026 the Tenants filed a *Form 2(A) Tenant Application to Determine Dispute* with the Rental Office disputing the Notice, seeking tenancy agreement information, repairs and other matters.
- [10] On April 1, 2026 the Landlord filed a *Form 2(B) Landlord Application to Determine Dispute* with the Rental Office seeking vacant possession of the Unit, for the Sheriff to put the Landlord in possession, earlier termination, rent owing and the return of personal property.
- [11] The eviction dispute was determined in Order LD26-135, issued on April 28, 2026. The Tenants were ordered to vacate the Unit by 5:00 p.m. on May 5, 2026.
- [12] The remaining issues in the applications were determined in Order LD26-136, also issued on April 28, 2026. The following was ordered:

"IT IS THEREFORE ORDERED THAT

- 1. *The Tenants must pay the Landlord rent owing in the amount of \$4,822.58 by May 28, 2026.*
- 2. *If the Tenants' rent owing remains unpaid as of May 5, 2026, then the Landlord may, at the Landlord's option, keep the security deposit to offset part of the Tenants' outstanding rent.*

3. *The Tenants must immediately return to the Landlord any personal property belonging or stored by the Landlord in the Mobile Home that the Tenants have removed from the Mobile Home."*

- [13] The Tenants did not vacate the Unit as required by Order LD26-135.
- [14] On May 12, 2026 Sheriff Services enforced the Order and required the Tenants to vacate the Unit.
- [15] On June 17, 2026 the Landlord filed an application, which included a claim for disposal of the Personal Property.
- [16] On June 19, 2026 the Landlord provided the Rental Office and the Tenants with an Inventory List.
- [17] On July 6, 2026 the Landlord filed with the Rental Office and served the Tenants with a new *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.
- [18] On July 16, 2026 the Rental Office sent the parties notice of a tele-hearing scheduled for July 17, 2026. RG responded indicating that she would not participate in the hearing.
- [19] On July 17, 2026 the Rental Office informed RG that she could provide written submissions and evidence or have a representative participate in the hearing if she was unable to participate in the hearing. The Tenant emailed written submissions to the Rental Office.
- [20] On July 17, 2026 the Landlord joined the tele-hearing and the hearing proceeded in the Tenants' absence.

DISPOSITION

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

ISSUE

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

ANALYSIS

- [22] 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.

- [23] The Tenants vacated the Unit and left behind the Personal Property. I note that the Tenants were 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.

- [24] The Landlord provided evidence regarding the Landlord's efforts to arrange for the Tenants to remove the Personal Property. RG and other persons attended the Unit on June 11, 2026 and removed about half of the property that the Tenants had left behind.

- [25] The Landlord set appointments for June 15 and 16, 2026 for the Tenants to remove the remaining Personal Property, however, the Tenants “no-showed” on these appointments. The Landlord provided photographs of the remaining Personal Property.
- [26] 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.
- [27] 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 storing the Tenants’ belongings since May 12, 2026, over two months ago.
- [28] For these reasons, I find that the Application for the disposal of the Personal Property in the Inventory List is valid.
- [29] In this case the Tenants have not given the Landlord permission to dispose of the Personal Property and the Tenants have indicated that they want some of the Personal Property.
- [30] I turn to the relevant appeal period for this Order in section 89 of the *Act*.
- [31] 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.
- [32] In the circumstances of this case, where the Tenants have not agreed to the disposal of the Personal Property and the Tenants have 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.

Tenants’ Email Regarding Security Deposit

- [33] The Tenants provided written submissions regarding the Landlord returning the security deposit.
- [34] At the hearing the Landlord stated that the Tenants did not pay the rent owing ordered in Order LD26-136 and the Landlord has kept the security deposit for the rent owing.
- [35] I note that the Landlord is already authorized to keep the Tenants’ security deposit under Order LD26-136.

IT IS THEREFORE ORDERED THAT

1. The Landlord may dispose of the Personal Property contained in the Inventory List on or after August 7, 2026. This Order does not authorize the Landlord to dispose of the Personal Property before this date.

DATED at Charlottetown, Prince Edward Island, this 17th day of July, 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.