

INTRODUCTION

- [1] This decision determines an *ex parte* application filed by the Landlord with the Residential Tenancy Office (the “Rental Office”) under the *Residential Tenancy Act* (the “Act”).
- [2] The Landlord wants to dispose of the Tenant’s personal property (the “Personal Property”), left behind in the Unit.

BACKGROUND

- [3] The Unit is a two-bedroom, one-bathroom apartment located in a 12-unit building that the Landlord has owned since August 2023.
- [4] The occupant of the Unit and the Landlord entered into a written, fixed-term tenancy agreement from March 1, 2024 to February 28, 2025. After the fixed-term agreement expired, the tenancy continued on a monthly basis. Rent was \$1,097.00 due at the first of the month, and a \$1,097.00 security deposit was paid on March 1, 2024 (the “Tenancy Agreement”).
- [5] The occupant of the Unit (the “Deceased”) passed away January 12, 2026. The Tenant is the Deceased’s estate.
- [6] On March 26, 2026 the Landlord’s Representatives (the “Representatives”) filed an *ex parte 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 remained in the Unit when the Deceased passed away (the “Application”).
- [7] On April 30, 2026 the Landlord provided the Rental Office an itemized list of the Tenant’s Personal Property that the Landlord wished to dispose of (the “Inventory”).
- [8] On July 27, 2026 the Rental Office called the Landlord and conducted an *ex parte* tele-hearing.

DISPOSITION

- [9] I find that the Landlord may dispose of the Personal Property on or after July 31, 2026.

ISSUE

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

ANALYSIS & FINDINGS

- [10] 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.

- [11] A personal representative of 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.

- [12] The Landlord provided evidence regarding the efforts it made to find a personal representative of the Tenant.
- [13] The Representatives stated that they have attempted to contact a personal representative of the Tenant to take possession of the Inventory through text messages, phone calls, letters, and emails, all without a response. The Representatives stated that they also have not been contacted by any creditor of the Deceased.
- [14] I note that emails provided as evidence outline a conversation between the funeral home the Deceased is resting at, and the Representatives, where on July 10, 2026 the funeral home confirmed that a correspondence from the Landlord was passed on to the Deceased's next of kin.
- [15] I note that there is no record in Prince Edward Island's Royal Gazette of an executor or administrator being appointed for the Tenant.
- [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] I have reviewed the Inventory, documents and testimony provided by the Landlord. I find that the Personal Property has no monetary value or that the cost of removing, storing or selling the Personal Property would exceed the proceeds of the sale. I note that, at this point, the Landlord has been storing the Personal Property for approximately six months.
- [18] As a result, the Application for disposal of the Personal Property in the Inventory is valid. The Landlord may donate or dispose of the Personal Property contained in the Inventory on or after the timeline below.
- [19] The Landlord stated that they still possess the security deposit that was paid by the Deceased on March 1, 2024, and that any attempts to return the security deposit to the Tenant have been unsuccessful. Section 41 of the *Act* states:

Despite any other provision of this Act, where a tenant has not provided an address to a landlord in accordance with clause 40(5)(a) within six months after the end of the tenancy, and the landlord has made reasonable efforts to repay the security deposit in accordance with subsection 40(5) without success,

- (a) the landlord may keep the security deposit;*
- (b) and the right of the tenant to the return of the security deposit is extinguished.*

- [20] Once the six-month period has expired, the Landlord may keep the security deposit under section 41 of the *Act*.

IT IS THEREFORE ORDERED THAT

1. The Landlord may donate or dispose of the Personal Property in the Inventory on or after July 31, 2026.

DATED at Charlottetown, Prince Edward Island, this 31st day of July, 2026.

(sgd.) Samuel Harding

Samuel Harding
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.