

INTRODUCTION

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

BACKGROUND

- [3] The Unit is a one-bedroom, one-bathroom apartment located in a six-unit building that the Landlords have owned since April 2022.
- [4] The parties entered into a written, fixed-term tenancy agreement from February 15, 2026 to February 14, 2027. Rent was \$1,735.00 due on the 14th day of the month (the “Tenancy Agreement”). A \$1,735.00 security deposit was paid in three installments, detailed below:

Month	Amount
31-Jan-26	\$600.00
7-Apr-26	\$600.00
13-May-26	\$535.00
Total	\$1,735.00

- [5] On April 23, 2026 the Landlords served the Tenants with a first *Form 4(A) Eviction Notice* effective May 31, 2026 for non-payment of rent and the security deposit. This eviction notice was withdrawn by the Landlords.
- [6] On May 22, 2026 the Landlords served the Tenants with a second *Form 4(A) Eviction Notice* effective July 13, 2026 for repeatedly late rent payments (the “Second Notice”).
- [7] On June 1, 2026 the Tenants e-mailed the Landlords and the Rental Office a *Form 2(A) Tenant Application to Determine Dispute* disputing the Second Notice and the withdrawn first eviction notice. The Tenants also sought a determination that the Landlords contravened their rights under the Act (the “Tenant Application”). The Tenant Application is determined in Order LD26-247.
- [8] On June 27, 2026 the Landlords served the Tenants with a third *Form 4(A) Eviction Notice* effective July 17, 2026 for non-payment of rent (the “Third Notice”).
- [9] On July 21, 2026 the Rental Office issued Order LD26-246 which ordered as follows:
1. *The tenancy between the parties will terminate effective 5:00 p.m. on July 28, 2026.*
 2. *The Tenants and all occupants must vacate the Unit by this time and date.*
 3. *A certified copy of this Order may be filed in the Supreme Court and enforced by Sheriff Services as permitted by the Act.*
- [10] On July 29, 2026 the Landlords filed *Form 2(B) Landlord Application to Determine Dispute* with the Rental Office requesting an order permitting the Landlords to dispose of the Personal Property that remained in the Unit (the “Application”).
- [11] On August 7, 2026 the Landlords provided the Rental Office an itemized list of the Tenants’ Personal Property, that the Landlords seek to dispose of (the “Inventory”). The Inventory was subsequently shared via email with the Tenants.

- [12] On August 7, 2026 the Inventory was shared with the Tenants by email, and the Tenants were notified by email that the Rental Office would be calling to conduct a tele-hearing Monday, August 10, 2026.
- [13] On August 10, 2026 the Rental Office called the Landlords and conducted a tele-hearing. The Rental Office attempted to contact the Tenants; however, the number provided to the Rental Office for the Tenants has been disconnected.

DISPOSITION

- [14] I find that the Landlords may dispose of the Personal Property listen on the Inventory on or after August 14, 2026.

ISSUE

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

ANALYSIS & FINDINGS

- [15] 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.

- [16] The Tenants were required to remove their Personal Property from the Unit 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.

- [17] The Landlords stated that the Tenants have not made any attempts to reclaim their belongings.

- [18] The Landlords stated that they have made many attempts to communicate with the Tenants, so that the Tenants could reclaim their Personal Property. Specific dates they have sent email and text correspondences to the Tenants, only to not be answered, are: July 14, 2026; July 19, 2026; July 21, 2026; July 27, 2026 and July 28, 2026.

- [19] The Landlords stated that the cost of removing, storing or selling the personal property would be more than the proceeds of the sale.

- [20] The Landlords stated that among the personal property left in the Unit are various needles and drug paraphernalia. The Landlords further stated that the police recommended enlisting the services of a professional experienced with handing hazardous materials, due to the nature of some of the personal items, such as needles.

- [21] 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.

- [22] I have reviewed the Inventory, documents and testimony provided by the Landlords. 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 further find that due to the nature of some of the items, specifically the drug paraphernalia, it would be unsanitary and unsafe to store the personal property.
- [23] As a result, the Application for disposal of the Personal Property in the Inventory is valid. The Landlords may dispose of the Personal Property contained in the Inventory on or after the timeline below.

IT IS THEREFORE ORDERED THAT

1. The Landlords may dispose of the Personal Property in the Inventory on or after August 14, 2026.

DATED at Charlottetown, Prince Edward Island, this 14th day of August, 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.