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 and the photographs that were provided to the Rental Office and the Tenant on October 16 and 19, 2026 (the "Inventory List").

BACKGROUND

[3] The Unit is a three-bedroom, one-bathroom townhouse located in a six-unit building (the "Residential Property") that the Landlord has owned for about three years.

[4] The Landlord and the Tenant entered into a written, fixed-term tenancy agreement from February 5, 2026 to January 31, 2027. A security deposit of $1,650.00 was paid on February 4, 2026. Rent in the amount of $1,650.00 was due on the fifth day of the month.

[5] On August 15, 2026 the Landlord emailed and text-messaged the Tenant a *Form 4(A) Eviction Notice* with an effective date of September 4, 2026 (the "Notice") for non-payment of rent and other grounds.

[6] The Landlord filed an earlier application seeking an eviction order and a monetary order and the parties had an earlier Rental Office hearing.

[7] On October 5, 2026 Orders LD26-353 and LD26-354 were issued which required the Tenant to vacate the Unit by October 13, 2026 and pay the Landlord rent owing in the amount of $3,779.03.

[8] On October 5, 2026 the Tenant text-messaged the Landlord stating that she had vacated the Unit.

[9] On October 14, 2026 the Landlord filed with the Rental Office and served the Tenant with a *Form 2(B) Landlord Application to Determine Dispute* (the "Application") seeking to dispose of the Personal Property that the Tenant left behind.

[10] On October 16, 2026 I emailed the parties regarding a hearing to be scheduled on the afternoon of October 19, 2026.

[11] During the morning of October 19, 2026 I emailed the parties the tele-hearing instructions for the afternoon hearing. The Landlord joined the tele-hearing at the scheduled time. I telephoned the Tenant but she did not respond. I emailed the Tenant an additional copy of the tele-hearing instructions and the hearing proceeded in the Tenant's absence.

DISPOSITION

[12] The Landlord may dispose of the Personal Property on the terms stated below.

ISSUE

A. Can the Landlord dispose of the Personal Property?

ANALYSIS

[13] 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.*

[14] 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.*

[15] 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.*

[16] The Landlord provided photographs of the Personal Property. The Landlord's evidence is essentially that the Personal Property has little to no value.

[17] I have reviewed the Inventory List, photographs, documents and testimony that the Landlord provided.

[18] 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.

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

[20] The Landlord requested permission to dispose of the Personal Property as soon as possible.

[21] In this case the Tenant has not given the Landlord permission to dispose of the Personal Property. On October 8, 2026 the Tenant text-messaged the Landlord stating that she would like the Personal Property.

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

[23] 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.

[24] 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. The Landlord may immediately remove the Personal Property from the Unit and place it in safe storage or store it on the Residential Property in a safe manner before this disposal date.

[25] The Landlord may immediately dispose of all the compost, recycling and garbage that the Tenant left behind in the Unit.

[26] 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 November 10, 2026. The Landlord may immediately remove the Personal Property from the Unit and place it in safe storage or store it on the Residential Property in a safe manner before this disposal date.

2. The Landlord may immediately dispose of all the compost, recycling and garbage that the Tenant left behind in the Unit.

DATED at Charlottetown, Prince Edward Island, this 19th day of October, 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.