INTRODUCTION

[1] This decision addresses an application the Landlord filed with the Residential Tenancy Office (the "Rental Office") under the *Residential Tenancy Act*, cap. R-13.11 (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 28, 2026 and November 4, 2026 (the "Inventory List").

BACKGROUND

[3] The Unit is one half of a side-by-side duplex owned by the Landlord.

[4] On July 26, 2024 the parties entered into a written, fixed-term tenancy agreement. When the fixed-term ended, the tenancy continued on a monthly basis. The Tenant paid the Landlord a security deposit of $750.00 at the beginning of the tenancy. The monthly rent was $1,050.00 due on the first day of the month.

[5] On July 27, 2026 the Landlord served the Tenant with a *Form 4(A) Eviction Notice* effective August 17, 2026 for non-payment of rent, in the amount of $950.00 (the "Notice").

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

[7] On October 9, 2026 Orders LD26-364 and LD26-365 were issued which required the Tenant to vacate the Unit by October 16, 2026 and pay the Landlord rent owing in the amount of $3,691.94.

[8] On October 27, 2026 the Landlord filed with the Rental Office and served the Tenant with a *Form 2(B) Landlord Application to Determine Dispute* seeking to dispose of the Personal Property that the Tenant left behind (the "Application").

[9] On November 4, 2026 I e-mailed the parties regarding a hearing to be scheduled on the morning of November 6, 2026. The notice of tele-hearing, the Application and the Landlord's Inventory List and photographs were e-mailed to the parties.

[10] On November 6, 2026 the Landlord participated in the hearing. I telephoned the Tenant but received no response. The hearing proceeded in the Tenant's absence.

DISPOSITION

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

ISSUE

A. Can the Landlord dispose of the Personal Property?

ANALYSIS & FINDINGS

[12] 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.*

[13] The tenancy ended on October 16, 2026 and the Tenant vacated the Unit on or before this date. The Tenant left behind the Personal Property, but was required to remove the Personal Property under subsection 43(1) of the *Act*, which states:

> *A tenant is not entitled to leave the tenant's personal property in the rental unit after the tenancy agreement is terminated.*

[14] 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.*

[15] The Landlord provided photographs of the Personal Property. The Landlord's evidence is essentially that the Personal Property is abandoned and the Landlord seeks to dispose of the Personal Property.

[16] I have reviewed the Inventory List, photographs and evidence submitted by the Landlord.

[17] I find that the Personal Property includes a television, a couch and a vehicle. I find that the cost of removing, storing or selling the television and the couch would be more than the proceeds of the sale.

[18] I further find that the Landlord may have a professional towing company remove the vehicle from the Unit's driveway after the timeline below.

[19] For these reasons, I find that the Application 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.

[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 this case, where the Tenant has not agreed to the disposal of the Personal Property and there is some monetary value to the Personal Property, I find that the Landlord must wait for the 20-day appeal period to expire before disposing and towing the Personal Property, as ordered below. The Landlord may immediately remove the Personal Property from the Unit and place it in a safe storage or store it in the Unit 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, particularly the television and the couch, on or after November 27, 2026. The Landlord may immediately remove the Personal Property from the Unit and place it in a safe storage or store it in the Unit in a safe manner before this disposal date.

2. The Landlord may have a professional towing company remove the vehicle from the Unit's driveway on or after November 27, 2026.

DATED at Charlottetown, Prince Edward Island, this 6th day of November, 2026.

(sgd.) Cody Burke

Cody Burke
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.