

Abandoned Personal Property

The Residential Tenancies Act:

- Outlines a process for landlords to deal with abandoned personal property left behind by tenants;
- Allows tenants a chance to recover their personal possessions.

Reference:

Residential Tenancies Act: Section 5; Regulations: Sections 23, 24

Details:

Tenants must remove all of their personal property from the residential premises at the end of the tenancy. If items are left landlords must inventory the items and file Form A with the Residential Tenancies Program. If landlords feel items are unsanitary or unsafe to store, they may dispose of them immediately. Otherwise all items must be stored for 30 days. Approval can then be given by a Residential Tenancy Officer to either sell or dispose the items.

Landlords may dispose of items as they see fit under the following circumstances:

- the abandoned personal property has no monetary value
- the cost of inventorying, removing, storing and selling the abandoned personal property would be more than the proceeds of the sale

In this circumstance, landlords must prepare an inventory of the items disposed and retain a copy for 1 year after termination of the tenancy.

Procedure:

The following outlines the steps required when disposing abandoned personal property:

- The landlord prepares an inventory of abandoned goods using Form A after the tenancy has ended or the tenant has abandoned personal property;
- Landlords may immediately dispose of the abandoned personal property where they consider the property to be unsanitary or unsafe to store;

- The landlord files Form A with the Residential Tenancies Program at an Access Centre;
- The landlord sends a copy of Form A to the tenant or the tenant's next of kin by:
 - by registered mail, express post or courier to the tenant's new address, if known, or
 - by e-mail, if an e-mail address for the tenant was indicated on the lease, or
 - if the tenant's new address is not known and no e-mail address for the tenant was indicated on the lease, by registered mail, express post or courier to the address for contact of next of kin, if indicated on the lease.
- 30 days after Form A has been filed and sent to the tenant or the tenant's next of kin the landlord can request permission from the Residential Tenancies Program to either sell or dispose the goods.
- After receiving written approval:
 - Goods of a value of \$500 or more may be sold publicly
 - Goods of a value of less than \$500 may be disposed of as the landlord sees fit;
- Within 10 days of the sale of the goods, the landlord must file an Accounting of Sale of Abandoned personal Property Form B with the Residential Tenancies Program;

Landlords may immediately dispose of the abandoned personal property where they consider:

- the property has no monetary value
- the cost of inventorying, removing, storing and selling the property would be more than the proceeds of the sale

Landlords do not have to file a Form A with the Residential Tenancies Program when disposing items in this manner. Landlords must prepare an inventory of the items disposed and retain a copy for 1 year after termination of the tenancy.

Abandoned manufactured homes may be dealt with in the same way as other goods if there are no interests registered against the home. Please contact the Residential Tenancies Program for more details on disposing manufactured homes.

Abandoned vehicles are dealt with under the Motor Vehicle Act.

Landlords who dispose of abandoned personal property in contravention of the Residential Tenancies Act or Regulations risk being liable to the tenant for the value of the goods;