

Abandoned Personal Property

The Residential Tenancies Act:

- gives landlords who are left with a tenant's abandoned personal property a method for dealing with the items;
- 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. Landlords may deal as they see fit with items which are unsanitary or unsafe to store, or abandoned goods worth less than \$500, with the approval of a Residential Tenancy Officer. Approval will be in the form of an Order of the Director or in a letter to the landlord dated and signed by the Residential Tenancy Officer. The landlord is required to hold the goods for 60 days. Abandoned goods worth more than \$500 must be sold publicly and the proceeds applied to unpaid rent, storage costs and damages, with any balance sent to the tenant if possible, or to the Public Trustee.

Procedure:

A landlord who wishes to dispose of abandoned personal property must prepare an inventory of the property and file it with the Director and then may dispose of the abandoned goods 60 days later. Dangerous or perishable items may be disposed of by the landlord immediately with the approval of the Director.

- the landlord prepares an inventory of abandoned goods form after the tenancy has ended or the tenant has abandoned the property;
- the landlord files the inventory form at a Residential Tenancies Office;
- the landlord sends a copy of the inventory form to the tenant or the tenant's next of kin by registered mail;
- if the landlord cannot locate the tenant, the landlord can apply for substituted service to notify the tenant by other means (newspaper ad or any other means approved by the

Director);

- 60 days after the inventory form has been filed and served on the tenant or the tenant's next of kin, goods of a value of \$500 or more may be sold publicly upon the written consent of the Residential Tenancy Officer such consent can be sought orally or in writing. Sixty days after filing, the Officer may, in writing, notify the landlord that goods of a value of less than \$500 may be disposed of as they see fit;
- within 10 days of the sale of the goods, the landlord must file an Accounting of Sales form with the Residential Tenancies Office as well as a complete Inventory of Goods and Proceeds of Sale form to provide the details of the sale.
- 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.
- abandoned vehicles are dealt with under the Motor Vehicle Act.
- abandoned mobile homes may be dealt with in the same way as other goods if there are no interests registered against the home.