

Residential Tenancies Tribunal

Application 2025-0831-NL

Seren Cahill
Adjudicator

Introduction

1. Hearing was held on 8-October-2025 at 1:50 pm.
2. The applicant, [REDACTED], hereinafter referred to as the tenant, attended via teleconference.
3. The respondents, [REDACTED] and [REDACTED], hereinafter referred to as the landlords, also attended via teleconference.

Preliminary Matters

4. The landlords acknowledged that they were properly served notice of the hearing.
5. During the hearing, the tenant sought to admit into evidence 19 pictures. The landlords indicated they had not been served this evidence and objected to its admission. The tenant believed she had served the evidence on the landlords. I accepted the evidence conditionally and told the parties they had one week from the hearing date to provide proof that the tenant had or hadn't served this evidence on the landlords. If they had been served, I would admit it. If they had not, I would be unable to accept it in accordance with the principle of procedural fairness, as the landlords could not respond to evidence they were not provided and the rules of evidence established by this tribunal would have been violated.
6. No submission regarding the above was received from the tenant by end of day 15-October-2025. I therefore do not accept the tenant's photos as evidence.

Issues before the Tribunal

7. Should the tenant's claim for the return of personal possessions succeed?

Legislation and Policy

8. The jurisdiction of the Director of Residential Tenancies is outlined in sections 46 and 47 of the *Residential Tenancies Act*, 2018 (the *Act*).

9. Also considered and referred to in this decision is s. 32 of the *Act*, as follows:

Abandoned personal property

32. (1) Where a tenant abandons or vacates a residential premises and leaves personal property on the residential premises, the landlord shall either

- (a) remove the personal property and immediately place it in safe storage; or
- (b) store the personal property on the residential premises in a safe manner.

(2) The personal property stored under subsection (1) shall be stored for not less than 30 days unless the tenant takes possession of the personal property before the 30 days have elapsed.

(3) A landlord who stores a tenant's personal property under subsection (1) shall, at the earliest reasonable opportunity,

- (a) provide the director with an inventory of the property; and
- (b) provide the tenant with a copy of the inventory, if the landlord can locate the tenant.

(4) The director may, on application by the landlord under section 42, authorize the landlord to dispose of personal property referred to in subsection (1) 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.

(5) This section does not apply where a landlord and a tenant have made an agreement in writing with respect to the storage of the tenant's personal property.

(6) The tenant or owner of the personal property may, within the 30 day period referred to in subsection (2), claim and take possession of the personal property by paying the landlord the costs reasonably incurred by the landlord to remove and store the property.

(7) Where a landlord stores personal property on the residential premises in accordance with subsection (1), the storage costs referenced in subsection (6) shall be the lesser of the standard rate charged by public storage facilities or the rental rate of the residential premises.

(8) Where a tenant or owner takes possession of personal property within the 30 day period, the landlord shall notify the director at the earliest reasonable opportunity.

(9) Where a tenant or owner does not take possession of personal property within the 30 day period, the landlord may sell the personal property subject to the terms and conditions set by the director.

(10) Where personal property is sold under subsection (9), the landlord

- (a) may keep from the proceeds of the sale, the amount

(i) of the costs reasonably incurred by the landlord for the removal, storage and sale of the personal property, and

(ii) necessary to satisfy an order made by the director for compensation payable to the landlord by the tenant; and

(b) shall, at the earliest reasonable opportunity, deliver to the director

(i) the proceeds of the sale, less the amount kept under paragraph (a), and

(ii) a written statement of account regarding the sale and distribution of the proceeds.

(11) The director shall hold the proceeds delivered by the landlord under subparagraph (10)(b)(i) in trust for the tenant or owner of the personal property in an interest bearing trust account in a financial institution located in the province authorized to accept deposits.

(12) Where proceeds held in trust by the director are not claimed under subsection (11) within one year after the sale, the director shall remit the proceeds, together with interest earned, to the Consolidated Revenue Fund.

(13) Where a tenant or a person claims to be the owner of personal property sold under subsection (9), the director under subsection (11) or the Minister of Finance under subsection (12) shall, upon satisfactory proof of the claim, pay the proceeds to that tenant or person.

Issue 1: Personal Possessions

Tenant's Position

10. The tenant claims for the return of personal possessions that were left in the premises, particularly 21 items she values at \$23190.00. She says the items have great personal and sentimental value.

Landlords' Position

11. The landlords agree that the tenant's possessions are in their premises. They say they do not want the items in the premises; however, they do not feel safe allowing her access to the premises. They say the tenant has had multiple opportunities to retrieve the items and has failed to do so.

Facts

12. The relevant facts as I find them are as follows. The tenant was issued a termination notice for non-payment of rent on 1-July-2025 set to terminate on 10-July-2025. Connections for Seniors arranged to assist the tenant in moving out on 7-August-2025. She refused. As part of this dispute, the tenant called the police, who ended up removing her from the unit without her possessions. On 28-August-2025, a representative of the tenant attended the property with the permission of the landlords and the assistance of [REDACTED]. [REDACTED] has only 2 hours of availability, so all the tenant's possessions cannot be removed in the limited time available. At some point

after this, [REDACTED] stops working with the tenant. Some of the tenant's possessions were removed from the premises on a later date.

13. The landlords at no point provided the director with an inventory of the tenant's property as required under s. 32(3), applied to dispose of the property rather than store it under s. 32(4), or applied to sell the property under s. 32(9). No written agreement exists between the tenant and the landlords regarding abandoned property.

Analysis

14. Parties do not dispute that the landlords have possession of some of the tenant's possessions. The tenant has had one 2-hour period to have her possessions retrieved since she ceased to reside at the premises. This is clearly insufficient. The landlords may not dispose of the tenant's property in the absence of an application to that effect before this tribunal or a written agreement with the tenant, except objects which are evidently garbage (items left in waste disposal bins, recyclables, uneaten food, etc.), as per policy 6-002.
15. I do not have sufficient evidence to estimate the value of the tenant's possessions retained by the landlord.
16. The tenant must be given another opportunity to retrieve her personal possessions. If the landlords do not wish to have her enter the premises for this purpose, they may transfer her items to a storage unit.

Decision

17. The landlords must allow the tenant a reasonable opportunity to arrange a time to retrieve the rest of her possessions from the property or, if the landlords have transferred the property to a storage unit, to said unit. She has 30 days from the date this decision is issued to do so. Should any items of the tenant's remain in the premises (or the storage unit) after 30 days, the landlords may apply to this tribunal to dispose of or auction the remaining property.
18. Should the landlords fail to comply with this order, the tenant may make a new application to this tribunal for financial compensation. The amount of compensation will be equal to the value of the items not returned and may also include additional penalty costs as contemplated by Policy 12-001.

Summary of Decision

19. The landlords shall allow the tenant to arrange a reasonable time to retrieve her personal possessions at the residential premises or storage unit where they reside, sometime in the next 30 days.

22-Oct-2025
Date


Seren Cahill
Residential Tenancies Office