



Residential Tenancies Program

Policy and Procedure Guide

Policy Number: 06-002
Subject: Abandoned Personal Property
Chapter: Abandonment

Legislation	s. 32
Definitions	<p>Abandoned personal property: Personal items, furniture, etc., left behind at residential premises after a tenancy has ended. Property is considered abandoned when there has been no agreement between the landlord and tenant regarding the storage of personal property.</p> <p>Safe storage: a location where personal property is protected from outside weather or extreme temperatures, and where those items will be secured so as to prevent theft or other interference. Examples of places of safe storage could include a self-storage locker (e.g., as provided by U-Haul, etc.), the rental property, or the landlord's home or garage.</p>
Purpose	The purpose of this policy is to provide landlords with direction on storing and disposing of a tenant's abandoned property and to ensure that tenants are provided with an opportunity to retrieve their property.
Policy	<p>After a tenancy has ended, if there are any possessions belonging to the tenant left behind at the unit, the landlord shall either:</p> <ol style="list-style-type: none">Store that property for at least 30 days; orApply to the Director of Residential Tenancies for permission to dispose of that property. <p>During the 30 days that the abandoned personal property is in storage, the tenant may contact the landlord to reclaim those items. The tenant shall pay to the landlord all reasonable costs associated with moving and storing the property.</p> <p>If the abandoned items are worthless or unsanitary, or if it would be unsafe to store them, the landlord may apply to the Director for permission to immediately dispose of those items without having to store them for 30 days.</p> <p>After the 30 days have elapsed, the landlord may apply to the Director for permission to sell the stored property. If approved, the landlord may proceed with selling the property and retain from the</p>



	<p>proceeds, the costs they had incurred in moving, storing, and selling the property.</p>
Procedure Overview	<p>A. Storage of Abandoned Property for 30 Days</p> <p>Where a landlord elects to store abandoned property, it may be stored at the rental unit, or it may be transported to another location for safe storage.</p> <p>The abandoned property shall be stored for at least 30 days. In counting these 30 days, the first day commences on the date the landlord takes possession of the property and places it in storage.</p> <p>After the items have been placed in storage, and at the earliest opportunity, the landlord shall provide the Director with an inventory of the items that they are holding in safe storage. The landlord is also required to make reasonable attempts to contact the tenant and is also required to provide the tenant with the inventory of the items being held in storage.</p> <p>Additionally, when a landlord advises the Division that they are storing a tenant's abandoned property, the Division shall make reasonable efforts to contact the tenant regarding the abandoned property and the Division shall provide the tenant with information on retrieving that property from the landlord.</p> <p>Reclaiming Abandoned Personal Property</p> <p>While the landlord is holding the tenant's personal property in safe storage, the tenant may contact the landlord to arrange to collect the property. When the tenant retrieves their personal possessions from the landlord, they are to pay to the landlord all reasonable costs incurred in moving and storing those items.</p> <p>If the abandoned possessions were stored at the rental property, the landlord may charge an amount equal to the rental rate for that property, or they may charge what they would have paid had they been stored at a commercial self-storage facility, such as U-Haul, etc., whichever is lesser.</p> <p>Where a tenant or owner takes possession of the personal property within the 30-day period, the landlord is required to notify the Director of Residential Tenancies at the earliest opportunity.</p> <p>Sale of Abandoned Items</p> <p>If a tenant does not take possession of the abandoned personal property after it had been held by the landlord for at least 30 days,</p>



the landlord may apply to the Director for permission to sell the property.

Where personal property is sold, the landlord may retain from the proceeds of the sale an amount equal to the reasonable costs incurred for the removal, storage, and sale of that property. These costs may include: the costs of hiring a storage locker for 30 days, the costs of placing advertisements for the sale of those items, the costs of renting a vehicle to transport the property to safe storage, etc. The landlord may also retain from those proceeds an amount that would satisfy an outstanding monetary order issued by the Director as the result of an adjudication of an application for dispute resolution.

After these amounts have been deducted from the proceeds of the sale, the landlord is required to submit to the Director the net proceeds from the sale of the property, along with a written statement of account regarding the sale and distribution of the proceeds.

The Director is required to hold the proceeds from the sale in a trust account for a period of 1 year. Within the 1-year period, where a tenant or a person provides satisfactory proof of ownership, the Director is required to pay the proceeds of the sale to the tenant or owner. If after the 1-year period, the property is not claimed, the proceeds shall be remitted to the Consolidated Revenue Fund.

B. Disposal of Abandoned Property

The landlord may seek the permission of the Director to dispose of abandoned items, without having to store them for 30 days, if any of the following holds:

- a) The abandoned property is worthless or of no monetary value.
 - An item would be considered “worthless” if it could reasonably be concluded that no one would be interested in purchasing it if it were put up for sale. Examples may include: old clothing, broken furniture, etc.
- b) The storage of the property would be unsanitary or unsafe.
 - “Unsanitary” items would include objects which are not clean, are moldy, have been soiled, have a bad odour, or have been infested with insects or rodents, e.g. “Unsafe” items could include objects which are toxic, combustible, biohazardous, etc.
- c) The costs of moving, storing or selling the property would be



more than the proceeds of the sale.

- For example: it is reasonably anticipated the abandoned items could be sold for \$200.00. But it is estimated that it would cost \$200.00 to store the abandoned items for 30 days, that it would cost \$100.00 to move them to the storage facility, and another \$50.00 to advertise the items for sale.

If it is evident that that items left behind are garbage, the landlord may dispose of those items without seeking the permission of the Director. Examples of items which could reasonably be believed to be garbage would include: items left in waste disposal bins, items left on a curb or at roadside for municipal bulk garbage collection, recyclables, food, etc. Where a landlord is unsure if an abandoned item is garbage, they should apply to the Director for permission to dispose of that item.

Motor Vehicles

Motor vehicles are considered to be personal property and an abandoned motor vehicle can be dealt with as outlined in this section of the Act. However, as a motor vehicle is titled personal property, the Director shall take the following extra steps before granting permission to dispose or sell an abandoned motor vehicle.

1. Ascertain at the Motor Registration Division (MRD) the registered owner of the motor vehicle;
2. Find out the book value of the motor vehicle;
3. Conduct a search of the Personal Property Registry to confirm that there are no liens against the motor vehicle; and,
4. Confirm that the landlord has made all reasonable efforts to contact the tenant or, if the registered owner of the motor vehicle is not the tenant, then the landlord must confirm that they have made all reasonable efforts to contact the tenant and the registered owner. This can be confirmed by the landlord delivering to the Director a sworn affidavit documenting the landlord's attempts to contact and advise the tenant or the tenant and the registered owner.

Where the Director has granted the landlord permission to dispose of a motor vehicle, the landlord would remove the licence plates from the vehicle and bring them to the MRD, along with the Director's order for disposal, at which point the vehicle could be deregistered.



Death of Tenant

Where a tenant dies, the personal property that belonged to that tenant and which is remaining at the rental property is not considered to have been abandoned and is not to be disposed of under this section of the Act.

In these circumstances, the tenant's assign or personal representative becomes the tenant and that person should be allowed to enter the residential premises to remove any personal property and wind up the affairs. Proof of representation/executorship should be established before items are removed from the property.

If there is no assign or personal representative, the landlord is encouraged to make every attempt to locate a family member, a friend, etc., who may be able to attend to the estate (e.g., check for an obituary to identify the possible estate representative). If no personal representative can be located, the landlord should seek legal advice or make an application to the Supreme Court as an interested party to have the Office of The Public Trustee appointed to administer the estate.

Exemptions

In some cases, items might be abandoned by a tenant which would require special attention and should not be disposed of in accordance with this section of the Act, by being stored or sold. Some examples:

Pets: where pet animals have been abandoned by the tenant, the landlord should contact a branch of the Society for the Prevention of the Cruelty to Animals (S.P.C.A) Newfoundland and Labrador (<http://www.spca.nl.com/local-branches/>)

Mail: if you have lost contact with your former tenant, and if you do not have a forwarding address, mail that continues to be delivered to the rental property can be returned to a Canada Post branch.

Unused Medications: any medication that has not been claimed and collected by a former tenant after 30 days of storage should be brought to a pharmacy for safe disposal.

Dangerous Goods/ Firearm: contact the Royal Canadian Mounted Police.



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Forms & Form Letters	Application to Dispose of Abandoned Personal Property Application to Sell Abandoned Personal Property
X-Reference	N/A
Policy Developed	September, 2000
Last Revision	January, 2002 November, 2013 April, 2024
Other Resources	