

Personal Possessions

RTA 2018: Sections 32 & 33

A landlord is not permitted to dispose of, keep or sell any possessions of the tenant regardless of any rent or other monies owed to the landlord.

At the end of the tenancy however, the landlord and tenant may enter into a written agreement about the tenant's personal property.

Otherwise, under the RTA, when the tenant leaves behind personal possessions, the landlord is required to safely store the tenant's belongings either in the rental unit or in another secure location and provide a written inventory of the belongings, along with printed photographs to the residential tenancies office as well as to the tenant, if the landlord can locate the tenant.

Belongings that are of no monetary value or where the cost of removing, storing and selling the property would be more than the earnings of selling the property or where the belongings are unsanitary or unsafe to store, the landlord may make application to the Residential Tenancies Office to immediately dispose of the belongings using the form identified below and located in Appendix A of the Guide for Landlords and Tenants.

Form: [Application to Dispose of Personal Property](#)

Possessions that are safe to store and where the sale of the tenant's possessions would reap more than the cost of removal and storage, the landlord is required to store the belongings for 30 days to provide the tenant with an opportunity to claim and take possession of the personal property and paying the landlord for reasonable costs incurred to remove and store the tenant's belongings. Such costs are to be the lesser of the standard rate charged by a storage facility or the rental rate of the residential premises.

If the tenant does not return to claim the property within the 30 day period, the landlord may sell the belongings subject to the terms and conditions determined by the Residential Tenancies Office. The form identified below and located in Appendix A of the Guide for Landlords and Tenants must be completed and submitted to the Residential Tenancies Office for approval to see a tenant's personal property.

Form: [Application to Sell Personal Property](#)

Upon the sale of a tenant's personal property by the landlord, the costs incurred to remove, store and sell the property may be retained by the landlord. Where there is an outstanding Order for compensation payable to the landlord by the tenant, the landlord may also retain proceeds from the sale of possessions necessary to fulfill the Order. The remainder of the proceeds must be returned to the Residential Tenancies Office to be held in trust. Should the owner of the belongings comes forward to claim the belongings within a year, the proceeds held in the trust will be paid out to the owner upon presenting satisfactory proof of ownership.