

Abandoned property

Abandonment is when the tenant gives up the tenancy and possession of the rental unit without proper notice to the landlord.

When a tenant abandons the unit and owes rent, the landlord can submit an application to the Residential Tenancies Office (RTO) for dispute resolution. This application can ask for reimbursement of the rent and other costs such as cleaning or removal of personal items.

If the rent has been paid and is current, it is not likely that abandonment will be found.

Tenant leaves possessions behind

If a tenant appears to have abandoned their possessions, the landlord should itemize and store the items until:

- the tenant comes back to claim the items; or
- the landlord obtains an order from the RTO.

The landlord should also attempt to contact the tenant to have them retrieve their property and document these efforts. A landlord is able to seek compensation from the tenant for any costs incurred with storing the tenant's property.

The landlord should keep a written inventory of any abandoned property and may want to take photographs of the items to document their condition.

After, an application has been made, the RTO may authorize the landlord to remove the property from the rental unit and sell or dispose of it. This only happens if the RTO is satisfied:

- that the landlord has made reasonable efforts to locate the tenant; or
- the landlord has located the tenant but the tenant has not made reasonable arrangements to remove their possessions.

Landlord's duty of care

When dealing with a tenant's personal property, the landlord should take into consideration the circumstances and the nature of the property.

The law requires the landlord to exercise reasonable care and ensure the property is not damaged, lost or stolen when it is removed and stored.

The landlord must pay any money that remains after any deductions to the RTO. The RTO holds it in trust for the tenant who left the property. The tenant has six months to claim this money, after which it is forfeited.