

RESIDENTIAL TENANCIES ACT

ABANDONMENT

Section 27 - Abandonment of premises by tenant

When a tenant “abandons” the rental unit, a landlord may take back possession of the unit.

A tenant has abandoned a rental unit when the tenant does not terminate the rental agreement according to rules in the Residential Tenancies Act or the rental agreement.

Before taking back possession of a rental unit under “abandonment” the landlord must attach a notice to the main entrance to the rental unit 24 hours before doing so. The notice should say

1. that the landlord believes the tenant has abandoned the rental unit;
2. that the landlord intends to enter and take back possession of the rental unit unless the tenant contacts the landlord before the 24 hours are passed; and
3. The date and hour when the landlord will take back possession.

If the tenant contacts the landlord within the 24 hour notice period and advises that the rental unit is not abandoned, the landlord may not take back possession of the rental unit.

Section 28 - Abandoned personal property

When a tenant vacates a rental unit and leaves personal property behind, the landlord must remove the personal property and place it in safe storage unless there is another agreement between the landlord and tenant regarding the personal property.

The stored property must be held for 60 days or until the tenant collects the property.

The landlord must provide the Director of Residential Tenancies a list of the property stored. The landlord must also provide the tenant with a copy of the list if the landlord has an address for the tenant.

The landlord may obtain permission from the Director of Residential Tenancies to dispose of any abandoned property that is

1. of no cash value;
2. unsanitary or unsafe to store; or
3. such that the sale of the personal property would produce less than the cost of removal, storage and sale.

A tenant may collect the property stored by paying costs reasonably incurred by the landlord to remove and store the property.

The landlord must inform the Director of Residential Tenancies when a tenant collects property which has been stored.

When a tenant does not collect the stored property within the 60 days, the landlord may sell the property according to terms and conditions set by the Director of Residential Tenancies.

Revised March 2005. This information has been summarized and , therefore, is not necessarily quoted directly from the Residential Tenancies Act. Please see legislation for clarification and detail.

**For further information visit our web site @ www.gs.gov.nl.ca/tp/
or phone St. John's 709-729-2610 or 5829; Gander 709-256-1019;
Corner Brook 709-637-2445 OR phone our toll free number 1-877-829-2608**