

INFORMATION BULLETIN ABANDONED CHATTELS (TENANT BELONGINGS)

IMPORTANT

The contents of this information bulletin are for information purposes only and do not replace the legislation.

ABANDONED CHATTELS

The term 'abandoned chattels' refers to a tenant's personal belongings that he/she has left behind at the end of the tenancy and has not returned to collect. Typically, abandoned chattels consist of things such as clothing, personal items or furniture, but can also include larger property, such as a mobile home.

Ownership of abandoned chattels remains that of the tenant, and a landlord should not dispose of any property of the tenant unless a Rentalsman has given them permission to do so.

If a tenant wants to collect his/her belongings after the end of the tenancy, the landlord must release the belongings to the tenant, even if the tenant owes the landlord money, such as unpaid rent. If the landlord is owed money, he/she may file a claim against the security deposit with the Office of the Rentalsman or take the tenant to civil court. A landlord cannot hold a tenant's property ransom.

Before the end of the tenancy or while an eviction is happening, the landlord and tenant should make arrangements for the tenant to collect his/her belongings. This must be done as soon as possible, especially in cases at the end of a month where a new tenant may be moving into that unit.

If evicted, a tenant who reenters the premises without the landlord's permission is trespassing and can be brought to justice.

DISPOSING OF CHATTELS

A landlord must get written permission from a Rentalsman to dispose of a tenant's abandoned property. The landlord should be prepared to provide the Rentalsman with an inventory of the property left behind, as well as any photographs of the property. This will help in any investigation done by a Rentalsman.

A Rentalsman also has the right to inspect the property to determine its value.

- When the Rentalsman determines that the belongings are of **no value** or that keeping them would be **unsanitary or dangerous**, he/she may give permission to the landlord to immediately dispose of them.
- If the belongings are of some value, but their **value is less than any amount owed** to the landlord by the tenant, the Rentalsman may order the sale of the belongings.
- If a Rentalsman determines that **the value of the chattels is greater than any amount owed** to the landlord by the tenant, the Rentalsman may order that the belongings be placed in storage. The Rentalsman will determine an appropriate amount of time for the storage, and will advise the tenant accordingly.

If the tenant still does not respond, the Rentalsman may, at the end of the storage period, sell the belongings through a private sale or public auction. Any profit remaining after payment of storage costs, sale costs and interest is given to the landlord to take care of any debt owed by the tenant. If there is money left over after paying the landlord, the tenant has one year to claim the balance. If unclaimed, the remaining money becomes the property of Service New Brunswick.

CAUTION

A landlord must still get the permission of a Rentalsman to dispose of abandoned chattels, even if the property is of no value in the opinion of the landlord.

REFERENCE

Section 15 of the *Residential Tenancies Act* (RTA) describes the appropriate measures to deal with this issue.

ADDITIONAL INFORMATION

For additional information concerning abandoned chattels, visit the Office of the Rentalsman website at www.snb.ca/irent or contact one of their offices.

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