

# Abandoned Goods

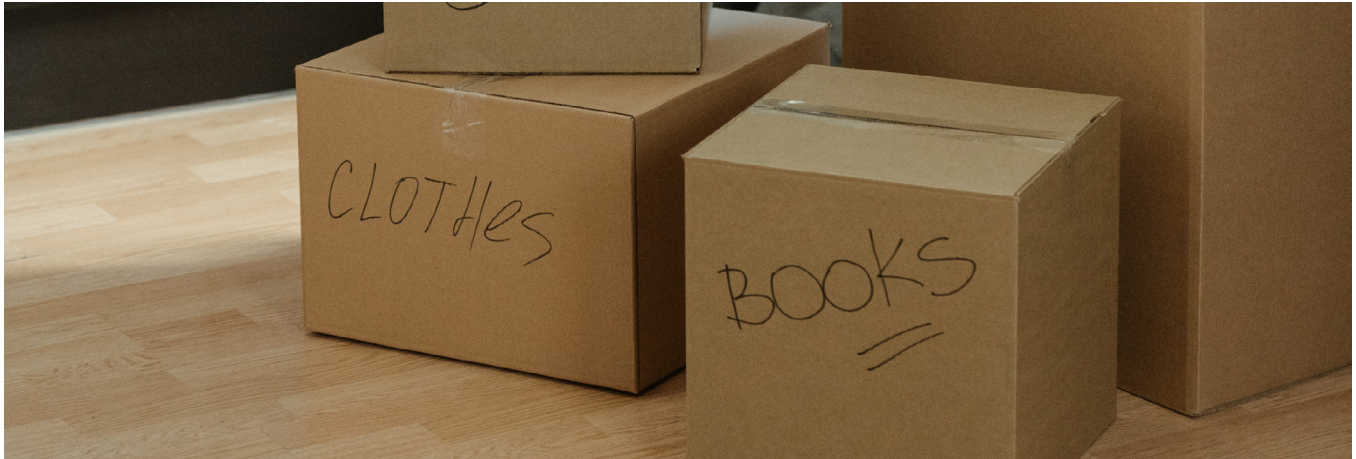


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In Alberta, the *Residential Tenancies Act (RTA)* sets out what a landlord can do if the tenant leaves their items behind. Here is a quick guide on what you should know as a landlord.

## What are abandoned goods?

Abandoned goods are goods that a tenant leaves behind when they abandon the property or vacate the property after the tenancy ends.

Whether a tenant has actually abandoned the property depends on the facts of each situation. Before taking steps to deal with abandoned goods, a landlord must have “reasonable grounds” to believe that the tenant has abandoned the property.

**Some reasons why a landlord may think that the tenant has abandoned the property include:**

- the rent has not been paid
- the tenant’s mail is no longer delivered to the property or is not being picked up by the tenant
- the utilities are disconnected
- the landlord does not see or hear from the tenant for a long period of time, despite multiple attempts to contact them



#### TIP

Sometimes, there may be signs that a tenant has abandoned the property but has not actually done so – in such a situation, landlords may be responsible for a tenant's damaged, destroyed and lost property. If you are unsure about whether your tenant abandoned the property, get legal advice before dealing with their items.

## What can a landlord do with the abandoned goods?

### Goods with a market value of less than \$2,000

If you think the market value of the goods is less than \$2,000, then you can dispose of them.



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### Goods with a market value of \$2,000 or more

If you think the market value of the goods is \$2,000 or more, then you must store them for 30 days from the date that your tenant abandoned them. After 30 days, you can then sell the goods at a public auction or by private sale. To sell the goods by private sale, you must have court approval.

In some situations, you can sell the goods without storing them for 30 days, for example when:

- it is unsanitary or unsafe to store the goods
- the value of the goods will rapidly deteriorate in storage
- the cost to remove, store and sell the goods will be more than what you can sell them for



#### TIP

The market value of an item is the amount that it can be sold for in an open market. To find out the market value for an item, landlords can:

- research the internet looking for comparable items and prices
- check with various retail stores, auction houses, auctioneers and second-hand stores

Landlords should always keep written records on the market value of any abandoned goods. If a dispute ever arises over abandoned goods, landlords must be able to prove their belief in the market value of the goods.

## What if the tenant returns for the goods?

A tenant can return to get the goods. If you spent money on moving and storing the items, the tenant can reimburse you for those expenses. Once the tenant reimburses you for those expenses, you must return the goods. A tenant cannot force you to give back the goods or force you to pay for the value of the goods if you have already disposed or sold them under the *RTA* rules.

## What can I do with the money made from selling my tenant's abandoned goods?

When you sell your tenant's abandoned goods, you can use the money to:

- reimburse yourself for the costs of moving, storing or selling the goods and
- pay off the tenant's liabilities to you under the tenancy (for example, unpaid rent or damage to the property). You must follow the requirements in the *RTA* and *Residential Tenancies Ministerial Regulation*.

If there is any money left over after paying yourself back, then you must give the money to the Minister responsible for the *RTA*.



### TIP

You may have different duties under the law depending on your situation. For example, if a collection agency or similar organization has already gone to court and received permission to seize your tenant's abandoned goods, the rules for you to dispose of them under the *RTA* do not apply. The law on abandoned goods can be complex. Get legal advice if you are unsure of your legal rights and responsibilities.

# Record keeping

After the goods were returned to the tenant, sold or disposed of, you must keep records of any storage, disposal or sale for at least 3 years. Make sure you record the following information, depending on what you did with the goods:

## Returned the goods to the tenant?

Make sure you record:

- Description of the goods
- Where and how long you stored the goods
- When you returned the goods
- How much the tenant reimbursed you for removal and storage costs, if any

## Sold the goods?

Make sure you record:

- Description of the goods
- Where and how long you stored the goods
- How much you sold them for
- How much you reimbursed yourself for the costs of removal, storage, sale and amounts owed by the tenant
- How much you sent to the Minister responsible for the RTA (if any)

## Disposed of the goods?

Make sure you record:

- Description of the goods
- Where and how long you stored the goods
- How you disposed of the goods

# Where to find help and information

## Lawyer Referral Service

Provides contact information for lawyers who practice in your geographical area.

**Toll free in Alberta:** 1-800-661-1095

[www.lawsociety.ab.ca](http://www.lawsociety.ab.ca)

## Service Alberta

Government of Alberta ministry responsible for landlord and tenant matters. Learn more about the ministry and the Residential Tenancy Dispute Resolution Service (RTDRS) through their website.

**Toll free in Alberta:** 1-877-427-4088

[www.servicealberta.ca](http://www.servicealberta.ca)



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