

SCHEDULE "C"

EXCERPT FROM SECTION 31 RESIDENTIAL TENANCIES ACT ABANDONED GOODS

- 31(1) In this section, "abandoned goods" means goods left at residential premises by a tenant who has
- (a) abandoned the premises, or
 - (b) vacated the premises and whose tenancy has expired or been terminated.
- (2) A landlord who believes on reasonable grounds that abandoned goods have a total market value of less than the prescribed amount may dispose of the goods.
- (3) Notwithstanding that abandoned goods have a value equal to or greater than the prescribed amount, a landlord who on reasonable grounds believes
- (a) that the storage of the goods would be unsanitary or unsafe or would rapidly result in total or substantial depreciation in their market value, or
 - (b) that the cost of removing, storing and selling the goods would exceed the proceeds of their sale, may sell the goods by a means and for a price that the landlord believes is reasonable.
- (4) If subsections (2) and (3) do not apply, the landlord
- (a) shall store or arrange for storage of the goods on behalf of the tenant until the expiration of the prescribed period after the date of their abandonment, and
 - (b) afterwards may dispose of the goods by public auction or, with the approval of a court, by private sale.
- (5) If no bid is received for the abandoned goods at a public auction held under subsection (4)(b), the landlord may dispose of the goods.
- (6) No liability attaches to a person for
- (a) selling goods under subsection (3) or (4)(b), or
 - (b) disposing of goods under subsection (2) or (5).
- (7) Where abandoned goods are disposed of or sold under this section, the person acquiring the goods on the disposal or sale acquires the tenant's interest in those goods and the tenant's interest in the goods is extinguished.
- (8) A landlord shall, on payment of the landlord's proper costs of removing and storing the abandoned goods, give up possession of the goods to the tenant or to the person entitled to them.
- (9) A landlord may apply the proceeds of any sale of abandoned goods
- (a) to the landlord's proper costs of removing, storing and selling the goods, and
 - (b) to satisfy the tenant's liabilities to the landlord in respect of the tenancy, if the liabilities are established in accordance with the regulations, and shall pay the surplus, if any, to the Minister.
- (10) The Minister shall retain the surplus on behalf of the tenant for one year and afterwards, if the tenant has not claimed it, pay the surplus into the General Revenue Fund.
- (11) On payment of the surplus into the General Revenue Fund under subsection (10), the tenant's claim to that surplus is extinguished.
- (12) This section does not apply to goods on premises against which a civil enforcement agency executes an order of possession.
- (13) A landlord shall keep a record of the storage, disposition or sale of goods under this section including
- (a) a description of the goods,
 - (b) the period for which and the location at which they were stored,
 - (c) in a case where subsection (8) applies, the costs claimed by the landlord and the date on which the goods were returned to the tenant,
 - (d) where the goods are sold, the particulars of the sale, the amount claimed by the landlord under subsection (9) and the amount, if any, paid to the Minister under subsection (9), and
 - (e) where the goods are neither returned to the tenant nor sold, the manner in which they were disposed of.
- (14) A landlord shall keep a record referred to in subsection (13) as it relates to particular goods for at least 3 years after the goods were returned to the tenant, sold or disposed of, as the case may be.