

DISPUTE RESOLUTION PROCESS ABANDONED CHATTELS (TENANT BELONGINGS)

IMPORTANT

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

DISPUTE RESOLUTION

The preferred dispute resolution method when a tenant has left personal belongings behind after moving out follows these five steps. Landlords are responsible for initiating Steps 1 to 3.

Problem/Steps	Preferred Course of Action
<p style="text-align: center;">Step 1 - Dialogue</p> <p>The tenant is scheduled to move out of the premises</p>	<p>The landlord and tenant should make arrangements for the tenant to collect and remove his/her personal belongings from the premises before the tenant has completely moved out of the premises.</p>
<p style="text-align: center;">Step 2 – (Optional) Formal Complaint</p> <p>The tenant has moved out leaving personal belongings behind</p>	<p>The landlord may choose to give the tenant a written notice requesting that he/she collects and removes his/her personal belongings. The landlord should be sure to provide the landlord's contact information so that the tenant can arrange removal of his/her belongings.</p> <p>Part 3 of the NB Residential Lease provide more information on this.</p>
<p style="text-align: center;">Step 3 - Landlord's Application for Assistance</p> <p>The tenant has moved out of the premises leaving personal belongings behind</p>	<p>The landlord can submit an Application for Assistance to the Residential Tenancies Tribunal.</p> <p>The landlord must provide the following evidence :</p> <p>Required evidence:</p> <ul style="list-style-type: none"> • A copy of the lease • A copy of any notice given to the tenant <p>Optional evidence:</p> <ul style="list-style-type: none"> • Any other evidence, such as pictures, that could help state the case • A witness list, including their telephone numbers
<p style="text-align: center;">Step 4 – Residential Tenancies Officer's Investigation</p>	<p>The Residential Tenancies Tribunal will assign a Residential Tenancies Officer to the case and he/she will investigate the complaint. The Residential Tenancies Officer is required to establish the following:</p> <ul style="list-style-type: none"> • what has been abandoned • who owns the belongings (including any possible liens) • the value of the abandoned belongings.

Problem/Steps	Preferred Course of Action
<p style="text-align: center;">Step 5 - Dispute Resolution</p>	<p>The Residential Tenancies Officer will make a decision based on the law and the evidence provided by both the landlord and the tenant.</p> <p>The Residential Tenancies Officer's decision:</p> <ul style="list-style-type: none">• may authorize the landlord to dispose of the abandoned belongings at his/her own costs.• may order the landlord to deliver the belongings to a storage site and advise the tenant of this decision by written notice.• may order the sale of the belongings by public auction or private sale if the Residential Tenancies Officer and landlord are unsuccessful in reaching the tenant. <p>The Residential Tenancies Officer's decision can be appealed with a Notice of Application to a judge of the Court of Queen's Bench of New Brunswick. The appeal must take place within seven days after being notified.</p>

ADDITIONAL INFORMATION

For additional information visit the Residential Tenancies Tribunal website, call the toll free telephone number, or send an email.

Website: www.snb.ca/irent
Email: irent@snb.ca
Phone: 1-888-762-8600