

Disposal of abandoned property if unit vacated

41 (1) A landlord may sell, retain for the landlord's own use or otherwise dispose of property in a rental unit or the residential complex if the rental unit has been vacated in accordance with,

- (a) a notice of termination of the landlord or the tenant;
- (b) an agreement between the landlord and the tenant to terminate the tenancy;
- (c) subsection 93 (2); or
- (d) an order of the Board terminating the tenancy or evicting the tenant. 2006, c. 17, s. 41 (1).

Where eviction order enforced

(2) Despite subsection (1), where an order is made to evict a tenant, the landlord shall not sell, retain or otherwise dispose of the tenant's property before 72 hours have elapsed after the enforcement of the eviction order. 2006, c. 17, s. 41 (2).

Same

(3) A landlord shall make an evicted tenant's property available to be retrieved at a location close to the rental unit during the prescribed hours within the 72 hours after the enforcement of an eviction order. 2006, c. 17, s. 41 (3).

Liability of landlord

(4) A landlord is not liable to any person for selling, retaining or otherwise disposing of a tenant's property in accordance with this section. 2006, c. 17, s. 41 (4).

Agreement

(5) A landlord and a tenant may agree to terms other than those set out in this section with regard to the disposal of the tenant's property. 2006, c. 17, s. 41 (5).

Enforcement of landlord obligations

(6) If, on application by a former tenant, the Board determines that a landlord has breached an obligation under subsection (2) or (3), the Board may do one or more of the following:

1. Order that the landlord not breach the obligation again.
2. Order that the landlord return to the former tenant property of the former tenant that is in the possession or control of the landlord.

3. Order that the landlord pay a specified sum to the former tenant for,
 - i. the reasonable costs that the former tenant has incurred or will incur in repairing or, where repairing is not reasonable, replacing property of the former tenant that was damaged, destroyed or disposed of as a result of the landlord's breach, and
 - ii. other reasonable out-of-pocket expenses that the former tenant has incurred or will incur as a result of the landlord's breach.
4. Order that the landlord pay to the Board an administrative fine not exceeding the greater of \$10,000 and the monetary jurisdiction of the Small Claims Court.
5. Make any other order that it considers appropriate. 2006, c. 17, s. 41 (6).