

TALES FROM THE TRENCHES™

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Follow-Up “There's A Dead Guy In My Suite”

In the last instalment of Tales from the Trenches, I talked about what I thought was a fairly rare situation: having a tenant pass away. As it turns out, this is not such a rare experience! Afterwards, at least five people took the time to tell me that they too had had tenants pass away. One of them (who is also a property manager) indicated they had eight—count 'em—eight tenants pass away. So, it's not near as rare as I thought.

This week I had someone followed up with me on how their deceased tenant situation had ended. The tenant was low income and their personal possessions in the suite were of very little value. Certainly the value would have been well under \$1,000. Our landlord could have chosen to treat the suite as abandoned and the remaining personal possessions as abandoned goods. The [Residential Tenancies Act](#) (s.31(2)) says that for abandoned goods worth less than \$2,000 the landlord can “dispose of the goods.”

So, that's your legal right. But, there were a number of family members who seemed interested in helping out. One family member particularly continued to show interest and said that they would take care of removing all the deceased tenant's personal possessions out of the suite and distributing them to other family members. Our investor was happy with this. He knew his rights and really wanted to get the suite rented again, but he didn't want to simply clean out the suite and throw everything away even though he was legally entitled to do so. Our investor wanted to do the right thing. If there was a grieving family member who wanted to take care of the last, pitiful possessions of a poor circumstances human being, was our investor going to be a hardhearted Scrooge of a landlord and just pitch everything in the dump?

You can tell where this is going. Our investor did his very best to work with the tenant's family member. He made numerous appointments to meet her at the suite so she could pack up and take away. All those appointments were missed and communication ceased. So much for trying to do the right thing.

In the end, I believe our investor struck the right balance of being respectful and careful by hiring someone to go through the tenant's possessions and pick out anything of a personal nature. Those items filled two office-sized tote boxes. The balance of the tenant's possessions were then removed and disposed of. Our member will put those two tote boxes in his garage and if any family member ever shows up, at least there will be something to give them. The suite was re-rented with only a half-month's rent lost.

Have Questions? [RMLO LAW LLP](#) has Answers!
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