



**THE ISLAND REGULATORY AND
APPEALS COMMISSION**
Prince Edward Island
Île-du-Prince-Édouard
CANADA

**Docket LR06011
Order LR06-09**

IN THE MATTER of an appeal, under Section 25 of the *Rental of Residential Property Act*, by Ryan Campbell and Andrew Campbell against Order LD06-196 of the Director of Residential Rental Property, dated July 19, 2006.

BEFORE THE COMMISSION
on Tuesday, the 1st day of August, 2006.

Weston Rose, Commissioner
Norman Gallant, Commissioner
Kathy Kennedy, Commissioner

Order

IN THE MATTER of an appeal, under Section 25 of the *Rental of Residential Property Act*, by Ryan Campbell and Andrew Campbell against Order LD06-196 of the Director of Residential Rental Property, dated July 19, 2006.

Participants

1. **Appellants:** Ryan Campbell
Andrew Campbell

2. **Respondent:** Wayne Beaton
Tracy Silliphant
Jamie Arsenault

Reasons for Order

1. Introduction

Ryan Campbell and Andrew Campbell (the Appellants) have appealed Order LD06-196 (Exhibit E-7) issued by the Office of the Director of Residential Rental Property (the Director) on July 19, 2006. The Island Regulatory and Appeals Commission (the Commission) received the Appellant's Notice of Appeal (Exhibit E-8) on July 21, 2006.

The Director's Order and the present appeal concern apartment #7 at 27 Longworth Avenue in Charlottetown (the apartment). On June 27, 2006 the Appellants filed an Application by Lessee to Set Aside Notice of Termination (Form 6) in response to a Notice of Termination by Lessor of Rental Agreement (Form 4) filed by Killam Properties Inc. (the Respondent) on June 22, 2006.

The appeal was heard in the Commission's main hearing room in Charlottetown, Prince Edward Island on Friday, July 28, 2006.

2. Background

In Order LD06-196, the Director determined that the Appellants violated the “quiet enjoyment of the premises” when they were involved in an altercation which required the police being called to separate the Appellants. The Director ordered that the Appellant’s application to set aside the Notice of Termination be denied, the Notice of Termination was valid, the rental agreement terminated as of July 22, 2006 and the Appellants were required to vacate the apartment on or before said date.

In their Notice of Appeal, the Appellants state as reasons for appeal that there were insufficient reasons for ordering the “eviction”. They state that ambulances were required on two occasions because of “natural health reasons”. They did not know why the police were involved on those occasions.

3. Decision

The Commission denies the appeal for the reasons that follow.

In evidence before the Commission are two letters from the City of Charlottetown Police. Exhibit E-6, a July 4, 2006 letter from A. Paul Smith, Chief of Police, notes that the police responded to calls at the apartment on June 17, 2006 at 13:33 hours, June 20, 2006 at 02:31 hours and June 30, 2006 at 15:57 hours. Exhibit E-7, a July 28, 2006 letter from Richard Collins, Deputy Chief of Police, notes that the police also responded to a noisy party at the apartment on July 7, 2006 at approximately 11:30 p.m.

The Appellants state that the police arrived as part of an emergency call for an ambulance for health reasons.

Section 14.(1)(a) of the **Rental of Residential Property Act** (the **Act**) reads as follows:

14. (1) *The lessor may also serve a notice of termination upon the lessee where*

(a) statutory condition 3 or 4, or any other term of rental agreement has been breached, other than failure to pay rent;

Section 6, Statutory Condition 3, of the **Act** reads as follows:

3. Good Behaviour

The lessee and any person admitted to the premises by the lessee shall conduct themselves in such a manner as not to interfere with the possession, occupancy or quiet enjoyment of other lessees.

The Commission finds that the Appellants have breached Statutory Condition 3 as evidenced by the appearance of the police on four occasions at the apartment within a one month period.

Accordingly, the appeal is denied. The Commission hereby confirms Order LD06-196. The rental agreement is hereby terminated and the Appellants (lessees) must vacate the apartment effective immediately upon the issuance of the Commission’s order.

IN THE MATTER of an appeal, under Section 25 of the *Rental of Residential Property Act*, by Ryan Campbell and Andrew Campbell against Order LD06-196 of the Director of Residential Rental Property, dated July 19, 2006.

Order

WHEREAS Ryan Campbell and Andrew Campbell (the Appellants) appeal against Order LD06-196 of the Director of Residential Rental Property, dated July 19, 2006;

AND WHEREAS the Commission heard the appeal in Charlottetown on July 28, 2006;

NOW THEREFORE, for the reasons given in the annexed Reasons for Order;

IT IS ORDERED THAT

1. The appeal is denied.
2. Order LD06-196 is hereby confirmed.
3. The rental agreement is hereby terminated.
4. The Appellants Ryan Campbell and Andrew Campbell must vacate Apartment #7, 27 Longworth Avenue, Charlottetown, Prince Edward Island effective immediately.

DATED at Charlottetown, Prince Edward Island, this 1st day of August, 2006.

BY THE COMMISSION:

Weston Rose, Commissioner

Norman Gallant, Commissioner

Kathy Kennedy, Commissioner

NOTICE

Sections 26.(2), 26.(3), 26.(4) and 26.(5) of the **Rental of Residential Property Act** provide as follows:

26.(2) A lessor or lessee may, within fifteen days of the decision of the Commission, appeal to the court on a question of law only.

(3) The rules of court governing appeals apply to an appeal under subsection (2).

(4) Where the Commission has confirmed, reversed or varied an order of the Director and no appeal has been taken within the time specified in subsection (2), the lessor or lessee may file the order in the court.

(5) Where an order is filed pursuant to subsection (4), it may be enforced as if it were an order of the court.

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