



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

**Docket LR07015
Order LR07-07**

IN THE MATTER of an appeal, under
Section 25 of the Rental of Residential
Property Act, by Todd Munn against Order
No. LD07-255 of the Director of Residential
Rental Property, dated November 5, 2007.

BEFORE THE COMMISSION

on Tuesday, the 27th day of November, 2007.

Weston Rose, Commissioner
Chester MacNeill, Commissioner
Anne Petley, Commissioner

Order

IN THE MATTER of an appeal, under Section 25 of the **Rental of Residential Property Act**, by **Todd Munn** against **Order No. LD07-255** of the **Director of Residential Rental Property**, dated **November 5, 2007**.

Order

On November 9, 2007 the Commission received a Notice of Appeal from the Appellant Todd Munn. Commission staff contacted the Appellant and the Respondent Joey Hoyt to coordinate a date and time for the hearing. The hearing was then scheduled for November 26, 2007 commencing at 10:00 a.m.

On the morning of November 26, 2007 the Appellant contacted Commission staff to advise that he could not attend the hearing. Staff offered to reschedule the hearing to the afternoon of November 26, 2007 but the Appellant declined this offer. Staff also offered the Appellant the option of participating in the hearing by telephone but the Appellant declined this offer as well.

The hearing commenced at 10:10 a.m. on November 26, 2007 with the Respondent present and the Appellant absent.

The Commission finds that the hearing date and time had been selected after staff had consulted with both parties. For the Commission to postpone the hearing on such short notice would require the Appellant to demonstrate that he was unable to attend the hearing due to unforeseen circumstances. Once a date and time for a hearing has been fixed, it is the responsibility of parties to an appeal to schedule their other commitments around the hearing. Only sudden, unforeseen events will justify the postponement of a hearing on short notice.

NOW THEREFORE, pursuant to the *Island Regulatory and Appeals Commission Act* and the *Rental of Residential Property Act*,

IT IS ORDERED THAT

1. The appeal is dismissed as the Appellant did not attend the hearing.

DATED at Charlottetown, Prince Edward Island, this **27th** day of **November, 2007**.

BY THE COMMISSION:

Weston Rose, Commissioner

Chester MacNeill, Commissioner

Anne Petley, Commissioner

NOTICE

Section 12 of the *Island Regulatory and Appeals Commission Act* reads as follows:

12. The Commission may, in its absolute discretion, review, rescind or vary any order or decision made by it or rehear any application before deciding it.

Parties to this proceeding seeking a review of the Commission's decision or order in this matter may do so by filing with the Commission, at the earliest date, a written **Request for Review**, which clearly states the reasons for the review and the nature of the relief sought.

Sections 13.(1) and 13(2) of the *Act* provide as follows:

13.(1) An appeal lies from a decision or order of the Commission to the Appeal Division of the Supreme Court upon a question of law or jurisdiction.

(2) The appeal shall be made by filing a notice of appeal in the Supreme Court within twenty days after the decision or order appealed from and the Civil Procedure Rules respecting appeals apply with the necessary changes.

IRAC141x-SFN(2007/08)