



**Docket LR07020
Order LR07-10**

IN THE MATTER of an appeal, under
Section 25 of the Rental of Residential
Property Act, by Paula Clarke against Order
No. LD07-295 of the Director of Residential
Rental Property, dated December 13, 2007.

BEFORE THE COMMISSION
on Thursday, the 20th day of December,
2007.

Maurice Rodgerson, Chair
Weston Rose, Commissioner

Order

Compared and Certified a True Copy

(sgd.) Philip J. Rafuse

Land and Appeals Officer
Land, Corporate and Appellate Services Division

IN THE MATTER of an appeal, under
Section 25 of the Rental of Residential
Property Act, by Paula Clarke against Order
No. LD07-295 of the Director of Residential
Rental Property, dated December 13, 2007.

Order

On December 17, 2007, the Commission received a Notice of Appeal from Paula Clarke requesting an appeal of Order LD07-295, dated December 13, 2007 said Order issued by the Office of the Director of Residential Rental Property (the Director).

Subsection 25(1) of the *Rental of Residential Property Act* R.S.P.E.I. 1988, Cap. R-13.1 (the **Act**) reads as follows:

25. (1) Any party to a decision or order of the Director, if the party has appeared or been represented at the hearing before the Director, may appeal therefrom by serving on the Commission, within twenty days after receipt of the decision or order of the Director, a notice of appeal in the form prescribed by regulation. (Emphasis added)

The Commission has disallowed Ms. Clarke's Notice of Appeal as she neither appeared at the December 12, 2007 hearing before the Director, nor was she represented at said hearing. The Commission does not have the authority to waive a requirement of the **Act**.

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

IT IS ORDERED THAT

1. The December 17, 2007 Notice of Appeal filed by Paula Clarke is hereby disallowed.
2. Order LD07-295 issued by the Office of the Director of Residential Rental Property continues in full force and effect.

DATED at Charlottetown, Prince Edward Island, this **20th** day of **December, 2007**.

BY THE COMMISSION:

Maurice Rodgeron, Chair

Weston Rose, 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)