



**THE ISLAND REGULATORY AND  
APPEALS COMMISSION**

Prince Edward Island  
Île-du-Prince-Édouard  
CANADA

**Docket LR07018  
Order LR07-11**

**IN THE MATTER** of an appeal, under  
Section 25 of the Rental of Residential  
Property Act, by Scott Ching against Order  
No. LD07-270 of the Director of Residential  
Rental Property, dated November 20, 2007.

**BEFORE THE COMMISSION**  
on Friday, the 21st day of December, 2007.

Maurice Rodgerson, Chair  
Chester MacNeill, Commissioner

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# Order

Compared and Certified a True Copy

(sgd.) Philip J. Rafuse

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Land and Appeals Officer  
Land, Corporate and Appellate Services  
Division

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# Order

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On December 14, 2007, the Commission received a Notice of Appeal from Scott Ching requesting an appeal of Order LD07-270, dated November 20, 2007, said Order issued by the Office of the Director of Residential Rental Property (the Director).

Subsections 25(1), 25(3) and 33(3) of the *Rental of Residential Property Act* R.S.P.E.I. 1988, Cap. R-13.1 (the **Act**) read 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.

(3) Where an appeal is not made under subsection (1), the parties are deemed to have accepted the decision of the Director and the decision is final. 1988,c.58,s.25; 1990,c.53,s.7; 1991,c.34,s.1,2; 1991,c.18,s.22 [eff.] Nov. 4/91.

**33.** (3) Where a document is delivered by ordinary mail, it is deemed to have been delivered on the third day after the date of mailing. 1988,c.58,s.33; 1991,c.18,s.22 [eff.] Nov. 4/91.

Order LD07-270 was dated November 20, 2007 and mailed to Mr. Ching the same day via ordinary mail.

Pursuant to subsection 33(3) of the **Act**, Order LD07-270 is deemed to have been delivered to Mr. Ching on November 23, 2007. The twentieth day after the date of deemed delivery was December 13, 2007. However, Mr. Ching filed his Notice of Appeal on December 14, 2007.

The Commission has **disallowed** Mr. Ching's Notice of Appeal as the statutory time period for filing an appeal has expired. 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 14, 2007 Notice of Appeal filed by Scott Ching is hereby disallowed.
2. Order LD07-270 issued by the Office of the Director of Residential Rental Property continues in full force and effect.

**DATED** at Charlottetown, Prince Edward Island, this 21st day of December, 2007.

**BY THE COMMISSION:**

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Maurice Rodgerson, Chair

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Chester MacNeill, 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)