



**THE ISLAND REGULATORY AND
APPEALS COMMISSION**

Prince Edward Island
Île-du-Prince-Édouard
CANADA

**Docket LR07017
Order LR08-01**

IN THE MATTER of an appeal, under
Section 25 of the Rental of Residential
Property Act, by Jill Huntley and Shauna
Breau against Order No. LD07-278 of the
Director of Residential Rental Property,
dated November 29, 2007.

BEFORE THE COMMISSION
on Monday, the 21st day of January, 2008.

Maurice Rodgerson, Chair
Ernest Arsenault, Commissioner
Anne Petley, Commissioner

Order

IN THE MATTER of an appeal, under
Section 25 of the Rental of Residential
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dated November 29, 2007.

Order

On December 5, 2007, the Commission received a Notice of Appeal filed by Jill Huntley and Shauna Breau (the Appellants). The Appellants appealed Order No. LD07-278 issued by the Office of the Director of Residential Rental Property on November 29, 2007.

On December 10, 2007, Commission staff mailed a Notice of Appeal Hearing to the Appellants at the address noted on their Notice of Appeal. A Notice of Appeal Hearing was also mailed to Burns Avenue Investments Inc. (the Respondent). The Notice of Appeal Hearing stated in part:

TAKE NOTICE that a hearing into the attached appeal will be held by The Island Regulatory and Appeals Commission on **Friday, January 4, 2008** at the National Bank Tower, 5th Floor, 134 Kent Street, Charlottetown, P.E.I., at **9:30 a.m.**

At 9:30 a.m. on January 4, 2008 the Appellants were not present in the hearing room. Commission staff checked with the Commission's receptionist to see if any messages had been received from the Appellants. No such messages were received. The Commission waited a further fifteen minutes before commencing the hearing.

The Commission finds that the onus lies on the Appellants to pursue their appeal. The Appellants were informed of the date, time and location of the appeal hearing approximately three weeks before the hearing date. At no time prior to the hearing did the Appellants contact the Commission to advise that they could not attend, or would be late for their hearing. The Appellants did not file a letter or written submissions putting forward their position and they did not request that the appeal be held in their absence.

For the above reasons, the Commission finds that the Appellants abandoned their appeal, and accordingly, this appeal is hereby dismissed. Accordingly, Order No. LD07-278 issued by the Office of the Director of Residential Rental Property on November 29, 2007 remains in full force and effect.

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 hereby dismissed.
2. Order No. LD07-278 issued by the Office of the Director of Residential Rental Property on November 29, 2007 remains in full force and effect.

DATED at Charlottetown, Prince Edward Island, this **21st** day of **January**, 2008.

BY THE COMMISSION:

Maurice Rodgerson, Chair

Ernest Arsenault, 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)