



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

**Docket LR08010
Order LR08-11**

IN THE MATTER of an appeal, under Section 25 of the *Rental of Residential Property Act*, by Neil and Linda Snook against Order No. LD08-232 of the Director of Residential Rental Property, dated June 6, 2008.

BEFORE THE COMMISSION
on Thursday, the 21st day of August, 2008.

John Broderick, Commissioner
David Holmes, Commissioner
Chester MacNeill, Commissioner

Order

Compared and Certified a True Copy

(Sgd.) Susan D. Jefferson

Commission Administrator

IN THE MATTER of an appeal, under Section 25 of the *Rental of Residential Property Act*, by Neil and Linda Snook against Order No. LD08-232 of the Director of Residential Rental Property, dated June 6, 2008.

Participants

1. Appellants: Neil Snook
Linda Snook

2. Respondent: Darlene Sanderson

Reasons for Order

1. Introduction

The Appellants Neil and Linda Snooks (the Snooks) have appealed Order No. LD08-232 issued by the Office of the Director of Residential Rental Property (the Director) on June 6, 2008. The Island Regulatory and Appeals Commission (the Commission) received the Snook's Notice of Appeal (Exhibit E-17) on June 30, 2008.

The Respondent Darlene Sanderson (Ms. Sanderson) filed a Form 2 Application for Enforcement of Statutory or Other Conditions of Rental Agreement on January 3, 2008. Ms. Sanderson sought a finding that rent was owed and an order that an amount found to be owed be paid. She noted the following particulars in support of her Form 2 application:

Lessee didn't provide 1 month's notice. Amount of rent owing is \$900.00 for Dec. 2007.

The matter was heard before the Director on January 18, 2008.

In Order LD08-232, the Director found that the evidence supported Ms. Sanderson's claim for rent for the month of December 2007, that rent in the amount of \$900.00 was owed and that the Snooks were to pay \$900.00 to Ms. Sanderson on or before June 30, 2008.

This appeal was heard in the Commission's main hearing room in Charlottetown, Prince Edward Island on Wednesday, July 16, 2008.

2. Evidence

The Snooks told the Commission that they gave Ms. Sanderson 30 days oral notice that they were terminating the rental agreement. Ms. Sanderson told the Commission that she received less than 30 days oral notice.

There is no evidence before the Commission that the Snooks provided Ms. Sanderson with written notice that they were terminating the rental agreement.

3. Decision

The Commission denies the appeal for the reasons that follow.

Subsection 11(1) and section 18 of the **Rental of Residential Property Act**, R.S.P.E.I. 1988, Cap. R-13.1(the **Act**) read as follows:

11. (1) A lessee may terminate a rental agreement, by serving on the lessor a notice of termination which complies with section 18.

...

18. (1) A lessor and lessee shall give notice to terminate in writing in the form prescribed by regulation.

(2) A notice to terminate

(a) shall be signed by the person giving the notice, or his agent;

(b) shall identify the premises in respect of which the notice is given;

(c) shall state the date on which the notice is to be effective; and

(d) where notice is given by the lessor, shall state the reasons for the termination. 1988,c.58,s.18.

Emphasis added.

The Commission wishes to point out that Schedule "B" to the Form 1 Standard Form of Rental Agreement specifies that a lessee may terminate a rental agreement by serving on the lessor a notice of termination which complies with section 18 of the **Act**. However, Schedule "B" to Form 1 would be more helpful to those unfamiliar with the **Act** if it specified that the notice must be in writing.

That being said, the **Act** does require written notice and the evidence before the Commission establishes that the Snooks only provided oral notice of termination to Ms. Sanderson. The Commission does not have the authority to amend or temper clear requirements specified in the **Act**. Accordingly, the appeal is denied.

The Commission hereby orders that Neil and Linda Snook pay Darlene Sanderson the sum of \$900.00 for rent owing for the month of December 2007, said sum to be paid on or before August 29, 2008.

IN THE MATTER of an appeal, under Section 25 of the *Rental of Residential Property Act*, by Neil and Linda Snook against Order No. LD08-232 of the Director of Residential Rental Property, dated June 6, 2008.

Order

WHEREAS the Appellants Neil and Linda Snook have appealed against Order No. LD08-232 of the Director of Residential Rental property, dated June 6, 2008;

AND WHEREAS the Commission heard the appeal in Charlottetown on July 16, 2008;

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

IT IS ORDERED THAT

1. The appeal is denied.
2. The Appellants Neil and Linda Snook shall pay the Respondent Darlene Sanderson the sum of \$900.00 for rent owing for the month of December 2007, said sum to be paid on or before August 29, 2008.

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

BY THE COMMISSION:

(Sgd.) John Broderick

John Broderick, Commissioner

(Sgd.) David Holmes

David Holmes, Commissioner

(Sgd.) Chester MacNeill

Chester MacNeill, 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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