



**THE ISLAND REGULATORY AND  
APPEALS COMMISSION**

Prince Edward Island  
Île-du-Prince-Édouard  
CANADA

**Docket LR09021  
Order LR09-17**

**IN THE MATTER** of an appeal, under  
Section 25 of the Rental of Residential  
Property Act, by Brenda LaBobe against  
Order No. LD09-249 of the Director of  
Residential Rental Property, dated August  
18, 2009.

**BEFORE THE COMMISSION**  
on Tuesday, the 15th day of September,  
2009.

Maurice Rodgerson, Chair  
Ernest Arsenault, Commissioner  
David Holmes, Commissioner

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# Order

Compared and Certified a True Copy

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(Sgd.) Susan Jefferson  
Commission Administrator

**IN THE MATTER** of an appeal, under  
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On August 25, 2009, the Commission received a Notice of Appeal filed by the Appellant Brenda LaBobe (Ms. LaBobe). Ms. LaBobe appealed Order No. LD09-249 issued by the Office of the Director of Residential Rental Property (the Director) on August 18, 2009.

On August 26, 2009, Commission staff mailed a Notice of Appeal Hearing to Ms. LaBobe at the address noted on her Notice of Appeal. A Notice of Appeal Hearing was also mailed to the Respondent Nanegkam Housing Corporation (Nanegkam). 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 **Wednesday September 9, 2009** at the National Bank Tower, 5th Floor, 134 Kent Street, Charlottetown, P.E.I., at **1:30 p.m.**

At 1:30 p.m. on September 9, 2009 Ms. LaBobe was not present in the hearing room. Commission staff attempted to call Ms. LaBobe without success. Commission staff checked with the Commission's receptionist to see if any messages had been received from Ms. LaBobe. No telephone or email messages were received. The Commission commenced the hearing at 1:35 p.m. The hearing concluded at 1:40 p.m. with Ms. LaBobe still not present.

The Commission finds that the onus lies on an appellant to pursue an appeal. Ms. LaBobe was informed of the date, time and location of the appeal hearing. Ms. LaBobe did not request a postponement for just cause, she did not file a letter or written submissions putting forward her position, she did not request to participate in the hearing by telephone and she did not ask that her appeal hearing proceed in her absence.

Ms. LaBobe, by filing an appeal, brought the Director's decision before the Commission. At the brief hearing, the Commission heard from Marla Affleck, Nanegkam's representative, that Ms. LaBobe has not, to date, paid rent for the month of September 2009. Ms. Affleck told the Commission that Ms. LaBobe is currently in arrears of rent in the amount of \$3,482.00.

For the above reasons, the Commission finds that Ms. LaBobe abandoned her appeal, and accordingly, this appeal is hereby dismissed. Accordingly, Order No. LD09-249 issued by the Office of the Director of Residential Rental Property on August 18, 2009 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 LD09-249 issued by the Office of the Director of Residential Rental Property on August 18, 2009 remains in full force and effect.

**DATED** at Charlottetown, Prince Edward Island, this 15th day of September, 2009.

**BY THE COMMISSION:**

(Sgd.) Maurice Rodgerson

Maurice Rodgerson, Chair

(Sgd.) Ernest Arsenault

Ernest Arsenault, Commissioner

(Sgd.) David Holmes

David Holmes, 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.*

IRAC141y-SFN(2008/10)