



**THE ISLAND REGULATORY AND  
APPEALS COMMISSION**

Prince Edward Island  
Île-du-Prince-Édouard  
CANADA

**Docket LR09034  
Order LR09-28**

**IN THE MATTER** of an appeal, under  
Section 25 of the Rental of Residential  
Property Act, by Arindel Property  
Management Inc. against Order No. LD09-373  
of the Director of Residential Property, dated  
December 1, 2009.

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

Allan Rankin, Vice-Chair  
John Broderick, 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  
Section 25 of the Rental of Residential  
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On December 9, 2009, the Commission received a Notice of Appeal from Roderick N. McDonald (Mr. McDonald) requesting an appeal of Order LD09-373, dated December 1, 2009, 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 notes that Mr. McDonald's property is managed by Arindel Property Management Inc. and said company is represented by Mr. Kent Ross. The Commission notes that, by a Form 7 Inspection Order dated September 16, 2009, the Director advised Mr. Ross that an inspection of the residential premises would be held on September 29, 2009 at 10:00 a.m. The Form 7 further advised that a hearing would immediately follow the inspection.

The Commission has disallowed Mr. McDonald's Notice of Appeal as he neither appeared at the September 29, 2009 hearing before the Director, nor was he represented at said hearing. The Commission does not have the authority to waive a requirement of the **Act**.

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**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 9, 2009 Notice of Appeal filed by Arindel Property Management Inc. is hereby disallowed.
2. Order LD09-373 issued by the Office of the Director of Residential Rental Property continues in full force and effect.

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

**BY THE COMMISSION:**

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(Sgd.) *Allan Rankin*  
Allan Rankin, Vice-Chair

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(Sgd.) *John Broderick*  
John Broderick, 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.*

## **NOTICE: IRAC File Retention**

In accordance with the Commission's Records Retention and Disposition Schedule, the material contained in the official file regarding this matter will be retained by the Commission for a period of 2 years.

IRAC141y-SFN(2009/11)