



**THE ISLAND REGULATORY AND
APPEALS COMMISSION**

Prince Edward Island
Île-du-Prince-Édouard
CANADA

**Docket LR10002
Order LR10-06**

IN THE MATTER of an appeal, under
Section 25 of the Rental of Residential
Property Act, by Shane McGee against Order
No. LD10-001 of the Director of Residential
Rental Property, dated January 4, 2010

BEFORE THE COMMISSION
on Tuesday, the 19th day of January, 2010.

John Broderick, Commissioner
Ernest Arsenault, Commissioner
David Holmes, Commissioner

Order

Compared and Certified a True Copy

(Sgd.) Susan Jefferson
Commission Administrator

IN THE MATTER of an appeal, under
**Section 25 of the Rental of Residential
Property Act, by Shane McGee against Order
No. LD10-001 of the Director of Residential
Rental Property, dated January 4, 2010**

Order

On January 6, 2010, the Commission received a Notice of Appeal filed by the Appellant Shane McGee (Mr. McGee). Mr. McGee appealed Order No. LD10-001 issued by the Office of the Director of Residential Rental Property (the Director) on January 4, 2010.

This matter concerns residential premises situate at 3 Dennis Crescent, Apartment #3, Charlottetown Prince Edward Island, said premises owned by Joseph Corrigan and Anne MacLure (the Respondents).

By way of background, in Order LD10-001 the Director found:

*“Pursuant to Section 6.10 of the **Act**:*

*Where notice of termination has been given in accordance with this **Act**, and all remedies in relation thereto have been exhausted, the lessee shall deliver up possession of the residential premises.”*

As a result, the Officer finds that the lessors’ application is valid.”

The Director then ordered that:

1. Possession of the residential premises be surrendered to the lessors [the Respondents] and the Sheriff is directed to put the lessors in possession of the residential premises at 12:00 noon, January 6, 2010.

The appeal proceeded to a hearing on January 19, 2010. Neither Mr. McGee nor the Respondents showed up for the hearing.

DECISION

On January 11, 2010, Commission staff mailed a Notice of Appeal Hearing to Mr. McGee at the address noted on his Notice of Appeal. A Notice of Appeal Hearing was also mailed to 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 **Tuesday, January 19, 2010** at the National Bank Tower, 5th Floor, 134 Kent Street, Charlottetown, P.E.I., at **9:30 a.m.**

The Commission finds that the onus lies on an appellant to pursue an appeal. Mr. McGee was informed of the date, time and location of the appeal hearing. Mr. McGee did not request to participate in the hearing by telephone and he did not ask that his appeal hearing proceed in his absence.

For the above reasons, the Commission finds that Mr. McGee abandoned his appeal, and accordingly, this appeal is hereby dismissed. Accordingly, Order No. LD10-001 issued by the Office of the Director of Residential Rental Property on January 4, 2010 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 dismissed.
2. Order LD10-001 issued by the Office of the Director of Residential Rental Property on January 4, 2010 remains in full force and effect.

DATED at Charlottetown, Prince Edward Island, this 19th day of January, 2010.

BY THE COMMISSION:

(Sgd.) John Broderick

John Broderick, Commissioner

(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.

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)