



**THE ISLAND REGULATORY AND
APPEALS COMMISSION**

Prince Edward Island
Île-du-Prince-Édouard
CANADA

**Docket LR10012
Order LR10-20**

IN THE MATTER of an appeal, under
Section 25 of the Rental of Residential
Property Act, by Jonathan Stavert against
Order LD10-168 of the Director of Residential
Rental Property dated June 17, 2010

BEFORE THE COMMISSION
on Tuesday, the 22nd day of June, 2010.

Maurice Rodgerson, Chair
Allan Rankin, Vice-Chair

Order

IN THE MATTER of an appeal, under
**Section 25 of the Rental of Residential
Property Act, by Jonathan Stavert against
Order LD10-168 of the Director of Residential
Rental Property dated June 17, 2010**

Order

On June 17, 2009, the Commission received a Notice of Appeal from Jonathan Stavert (Mr. Stavert) requesting an appeal of Order LD10-168, dated June 17, 2010, 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 has disallowed Mr. Stavert's Notice of Appeal as he neither appeared at the June 16, 2010 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**.

NOW THEREFORE, pursuant to the *Island Regulatory and Appeals Commission Act* and the *Rental of Residential Property Act*

IT IS ORDERED THAT

1. The June 17, 2010 Notice of Appeal filed by Jonathan Stavert is hereby disallowed.
2. Order LD10-168 issued by the Office of the Director of Residential Rental Property continues in full force and effect.

DATED at Charlottetown, Prince Edward Island, this **22nd** day of **June**, 2010.

BY THE COMMISSION:

Maurice Rodgerson, Chair

Allan Rankin, Vice-Chair

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)