



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

**Docket LR100013  
Order LR10-24**

**IN THE MATTER** of an appeal, under  
Section 25 of the Rental of Residential  
Property Act, by Royalty Holdings Ltd.  
against Order LD10-169 of the Director of  
Residential Rental Property, dated June 17,  
2010.

**BEFORE THE COMMISSION**

on Wednesday, the 25th day of August, 2010.

Allan Rankin, Vice-Chair  
Michael Campbell, Commissioner  
Ernest Arsenault, 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 Property Act, by Royalty Holdings Ltd. against Order LD10-169 of the Director of Residential Rental Property, dated June 17, 2010.

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# Order

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## INTRODUCTION

On July 6, 2010, the Commission received a Notice of Appeal filed by Royalty Holdings Ltd. (the Appellant). The Appellant appealed Order No. LD10-169 issued by the Office of the Director of Residential Rental Property (the Director) on June 17, 2010.

The Appellant filed with the Director a Form 4 Notice of Termination by Lessor of Rental Agreement dated June 1, 2010. Joan MacDonald (the Respondent) filed with the Director a Form 6 Application by Lessee to Set Aside Notice of Termination dated June 7, 2010.

In Order LD10-169 the Director stated:

***“IT IS THEREFORE ORDERED THAT***

1. *The lessee’s application to set aside the Notice of Termination is approved.*
2. *The Notice of Termination dated June 1, is not valid.*
3. *The rental agreement between the lessee and the lessor for the residential premises shall remain in effect.”*

This appeal proceeded to a hearing before the Commission on July 21, 2010. The Appellant was represented by Frank Johnson. The Respondent was also present.

## EVIDENCE

Mr. Johnson acknowledged that the Respondent has special needs. He stated that the Respondent is not a “rowdy” person. He stated that it is possible that when she talks about her problems to other tenants that she leaves the “wrong impression”. The Appellant found it “more and more difficult” to work with the Respondent. The Appellant feels that the quiet enjoyment of others has been interfered with by the Respondent.

The Respondent told the Commission that she does have special health needs. She noted that the Appellant has been cooperative by using low odor paint, keeping fertilizers away from her door etc. She stated that she does not intermingle with the other tenants and does not ask them to use unscented products etc.

## DECISION

The Commission agrees with the findings of the Director that termination of the rental agreement is not warranted. There is no evidence that the quiet enjoyment of other tenants has been affected by the Respondent.

Accordingly, the appeal is denied and the rental agreement between the parties shall remain in 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 denied.
2. In all respects, Director's Order LD10-169 is hereby confirmed.

**DATED** at Charlottetown, Prince Edward Island, this **25th** day of **August**, **2010**.

## BY THE COMMISSION:

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

(Sgd.) Michael Campbell  
Michael Campbell, Commissioner

(Sgd.) Ernest Arsenault  
Ernest Arsenault, 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)