



**Docket LR10017  
Order LR10-25**

**IN THE MATTER** of an appeal, under  
Section 25 of the Rental of Residential  
Property Act, by Brian Lee Gallant against  
Order LD10-245 of the Director of Residential  
Rental Property, dated August 27, 2010

**BEFORE THE COMMISSION**  
on Friday, the 3rd day of September, 2010.

Allan Rankin, Vice-Chair  
David Holmes, Commissioner  
Chester MacNeill, 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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# Order

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On August 30, 2010, the Commission received a Notice of Appeal filed by the Appellant Brian Lee Gallant (Mr. Gallant). Mr. Gallant appealed Order LD10-245 issued by the Office of the Director of Residential Rental Property on August 27, 2010.

On August 31, 2010, Commission staff mailed a Notice of Appeal Hearing to Mr. Gallant at the address noted on his Notice of Appeal. A Notice of Appeal Hearing was also mailed to the Respondent D. Spencer Campbell. The Notice of Appeal stated in part:

*TAKE NOTICE that a hearing into the attached appeal will be held by The Island Regulatory and Appeals Commission on **Friday, September 3, 2010** at the National Bank Tower, 5th Floor, 134 Kent Street, Charlottetown, P.E.I., at **9:30 a.m.***

At 9:30 a.m. on September 3, 2010 Mr. Gallant was not present in the hearing room. As Mr. Gallant did not provide staff with a phone number or email address to contact him, staff was not able to make contact with Mr. Gallant. No telephone or email messages were received. The Commission commenced the hearing at 9:40 a.m. The hearing concluded at 9:47 a.m. with Mr. Gallant still not present.

The Commission finds that the onus lies on an appellant to pursue an appeal. Mr. Gallant was informed of the date, time and location of the appeal hearing. Mr. Gallant did not file a letter or written submissions putting forward his position, he 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. Gallant abandoned his appeal, and accordingly, this appeal is hereby dismissed. Accordingly, Order No. LD10-245 issued by the Office of the Director of Residential Rental Property on August 27, 2010 remains in full force and effect.

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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 appeal is hereby dismissed.
2. Order LD10-245 issued by the Office of the Director of Residential Rental Property on August 27, 2010 remains in full force and effect.

**DATED** at Charlottetown, Prince Edward Island, this **3rd** day of **September**, 2010.

**BY THE COMMISSION:**

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

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(Sgd.) *David Holmes*  
David Holmes, Commissioner

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(Sgd.) *Chester MacNeill*  
Chester MacNeill, 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)