



**THE ISLAND REGULATORY AND  
APPEALS COMMISSION**

Prince Edward Island  
Île-du-Prince-Édouard  
CANADA

**Docket LR10026  
Order LR11-01**

**IN THE MATTER** of an appeal, under  
Section 25 of the Rental of Residential  
Property Act, by Gerald Martin against Order  
LD10-331 of the Director of Residential  
Rental Property, dated November 17, 2010

**BEFORE THE COMMISSION**  
on Wednesday, the 5th day of January, 2011.

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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# Order

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On December 24, 2010 the Commission received a Notice of Appeal from Gerald Martin (the Appellant) requesting an appeal of Order LR10-331, dated November 17, 2010, said Order issued by the Director of Residential Rental Property (the Director).

Subsections 25(1), 25(3) and 33(3) of the *Rental of Residential Property Act* R.S.P.E.I. 1988, Cap. R-13.1 (the **Act**) read 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.

(3) Where an appeal is not made under subsection (1), the parties are deemed to have accepted the decision of the Director and the decision is final. 1988,c.58,s.25; 1990,c.53,s.7; 1991,c.34,s.1,2; 1991,c.18,s.22 {*eff.*} Nov. 4/91.

**33.** (3) Where a document is delivered by ordinary mail, it is deemed to have been delivered on the third day after the date of mailing. 1988,c.58,s.33; 1991,c.18,s.22 {*eff.*} Nov. 4/91.

The Commission has disallowed the Appellant's Notice of Appeal as the statutory time period for filing an appeal has expired. 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 24, 2010 Notice of Appeal filed by Gerald Martin is hereby disallowed. Therefore, Order LD10-331 issued by the Director remains in full force and effect.**

**DATED** at Charlottetown, Prince Edward Island, this **5th** day of **January**,  
**2011**.

**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)