



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

**Docket LR11009
Order LR11-12**

IN THE MATTER of an appeal, under
section 25 of the Rental of Residential
Property Act, by Gordie Beaton against
Order LD11-116 of the Director of Residential
Rental Property dated May 16, 2011

BEFORE THE COMMISSION
on Thursday, the 26th day of May, 2011.

John Broderick, Commissioner
Peter McCloskey, Commissioner
Jean Tingley, 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 Gordie Beaton against
Order LD11-116 of the Director of Residential
Rental Property dated May 16, 2011

Order

On May 17, 2011 the Commission received a Notice of Appeal from Gordie Beaton (the Appellant) requesting an appeal of Order LD11-116 dated May 16, 2011 issued by the Director of Residential Rental Property (the Director).

By way of background, on May 4, 2011, Mia and Gabriel Mironov (the Respondents) through their agent, Trevor Murray (Mr. Murray) filed with the Director a Form 4 – Notice of Termination by Lessor of Rental Agreement dated April 12, 2011. On May 4, 2011, Mr. Murray also filed with the Director a Form 2- Application for Enforcement of Statutory or Other Conditions of Rental Agreement.

A hearing was held on May 16, 2011 and in Order LD11-116, the Director states, in part:

“The lessee failed to invalidate the reason given on the Notice of Termination...The lessee continues to occupy the residential premises as of the date of the hearing.

IT IS THEREFORE ORDERED THAT

1. *Possession of the residential premises be surrendered to the lessor and the Sheriff is directed to put the lessor in possession of the residential premises at 12:00 noon, May 17, 2011.”*

The Commission heard this matter on May 26, 2011. The Appellant was not present. The Respondent’s agent, Trevor Murray, was present.

At the hearing, the Commission Administrator explained that the Appellant, by telephone, acknowledged receipt of the appeal documents. Approximately twenty minutes before the scheduled commencement of the hearing, the Appellant advised the Commission Administrator by telephone that he would not be attending the hearing.

At 9:50 a.m., the panel chair formally noted that the Appellant was not present. The Commission then orally ruled that the appeal was abandoned.

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 abandoned.
2. Director's Order LD11-116 is hereby confirmed in its entirety. For greater certainty, this confirmation of Order LD11-116 includes the direction given to the Sheriff.

DATED at Charlottetown, Prince Edward Island, this **26th** day of **May**, 2011.

BY THE COMMISSION:

(Sgd.) *John Broderick*

John Broderick, Commissioner

(Sgd.) *Peter McCloskey*

Peter McCloskey, Commissioner

(Sgd.) *Jean Tingley*

Jean Tingley, 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)