



**THE ISLAND REGULATORY AND
APPEALS COMMISSION**

Prince Edward Island
Île-du-Prince-Édouard
CANADA

**Docket LR11015
Order LR11-19**

IN THE MATTER of an appeal, under
Section 25 of the Rental of Residential
Property Act, by John Elliot Campbell
against Order LD11-126 issued by the
Director of Residential Rental Property dated
May 27, 2011

BEFORE THE COMMISSION
on Tuesday, the 14th day of June, 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 John Elliot Campbell
against Order LD11-126 issued by the
Director of Residential Rental Property dated
May 27, 2011**

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INTRODUCTION

On June 2, 2011, the Commission received a Notice of Appeal filed by John Elliot Campbell (the Appellant). The Appellant appealed Order LD11-126 issued by the Office of the Director of Residential Rental Property (the Director) on May 27, 2011.

By way of background, on May 10, 2011 the Appellant filed with the Director a Form 6 – Application by Lessee to Set Aside Notice of Termination to which was attached the Form 4 – Notice of Termination by Lessor of Rental Agreement dated May 1, 2011 signed by Carm-co. Inc. (the Respondent).

The matter was initially heard by the Director on May 19, 2011. In Order LD11-126 the Director terminated the rental agreement between the parties as of June 3, 2011 and ordered the Appellant to vacate the premises on or before said date.

The Commission heard this appeal on June 9, 2011. The Appellant was present. The Respondent was represented by Carmen MacArthur.

EVIDENCE

The Appellant testified that both of his hands are injured. He states that he is unable to pack up his possessions for a move. He has other residential premises lined up for July 1, 2011. The Appellant believes that he is, “at most” three months behind in his rent.

Mr. MacArthur testified that the Appellant has rental arrears amounting to \$7400.00. The Respondent seeks to end the rental agreement in order to get the residential premises ready for a new tenant.

DECISION

The Commission agrees with the findings of the Director in Order LD11-126. A review of the receipts provided by both parties supports a finding of rental arrears in excess of \$7,000.00.

The evidence suggests that the Respondent has been very patient with the Appellant with respect to rental arrears. The Respondent's patience has now been exhausted. However, the Commission notes that these arrears came about over a rather extended period of time. Given that the Appellant has found new residential accommodation, is reportedly struggling to pack his possessions and given the very unique circumstances of this present matter, the Commission finds that it would be more pragmatic for the Appellant to vacate the premises in an orderly manner on or before June 30, 2011 rather than to immediately order him to vacate the residential premises.

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. **Order LD11-126 is hereby confirmed, with one exception: The Commission varies the termination date of the rental agreement from June 3, 2011 to June 30, 2011.**
3. **The Appellant (lessee) must vacate the residential premises on or before June 30, 2011.**

DATED at Charlottetown, Prince Edward Island, this **14th** day of **June**, 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)