



**THE ISLAND REGULATORY AND
APPEALS COMMISSION**

Prince Edward Island
Île-du-Prince-Édouard
CANADA

**Docket LR11024
Order LR11-25**

IN THE MATTER of an appeal, under
Section 25 of the Rental of Residential
Property Act, by Shane McGee against Order
LD11-192 issued by the Director of
Residential Rental Property dated August 11,
2011

BEFORE THE COMMISSION
on Tuesday, the 23rd day of August, 2011.

John Broderick, Commissioner
Leonard Gallant, Commissioner
Peter McCloskey, Commissioner

Order

Compared and Certified a True Copy

(Sgd.) Susan D. Jefferson

Commission Administrator
Land, Corporate and Appellate Services Division

IN THE MATTER of an appeal, under
Section 25 of the Rental of Residential
Property Act, by Shane McGee against Order
LD11-192 issued by the Director of
Residential Rental Property dated August 11,
2011

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Background

On August 11, 2011 the Commission received a Notice of Appeal filed by Shane McGee (the Appellant). The Appellant appealed Order LD11-192 issued by the Director of Residential Rental Property (the Director) on August 11, 2011.

By way of background, on August 3, 2011 Felicia Wu (the Respondent) filed with the Director a Form 2 – Application for Enforcement of Statutory or Other Conditions of Rental Agreement dated August 3, 2011 together with a Form 4 – Notice of Termination by Lessor of Rental Agreement dated July 12, 2011.

The matter was initially heard by the Director on August 10, 2011. In Order LD11-192 the Director terminated the rental agreement between the parties as of August 12, 2011 and ordered the Appellant to vacate the premises on or before said date.

The Commission heard this appeal on August 22, 2011. Both the Appellant and Respondent were present.

EVIDENCE

The Appellant testified that he has a new place and can move in on Friday, August 26, 2011. He requested the Commission allow him to stay until Friday, August 26, 2011. He intends to move out then.

The Respondent stated that this was the third time she had filed Notices of Termination with the Appellant and he continues to have rent outstanding and she wants him out.

DECISION

The Commission having considered all the evidence before it hereby confirms the order of the Director with the following exception:

If the Appellant pays to the Respondent \$160 on or before 12:00 noon on Wednesday, August 24, 2011 then the possession of the residential premises will be surrendered to the Respondent and the Sheriff is directed to put the Respondent in possession of the residential premises at 12:00 noon on Wednesday, August 31, 2011.

However, if the \$160 is not paid in full by 12:00 noon on Wednesday, August 24, 2011 then the possession of the residential premises will be surrendered to the Respondent and the Sheriff is directed to put the Respondent in possession of the residential premises at 12:00 noon on Wednesday, August 24, 2011.

NOW THEREFORE, pursuant to the *Island Regulatory and Appeals Commission Act* and the *Rental of Residential Property Act*

IT IS ORDERED THAT

1. **The Appellant (lessee) pay to the Respondent (lessor) \$160 on or before 12:00 noon on Wednesday, August 24, 2011.**
2. **If \$160 is paid by said date, the possession of the residential premises located at 6 Upper Hillsborough Street, Apt 2C, Charlottetown, PE will be surrendered to the Respondent and the Sheriff is directed to put the Respondent in possession of the residential premises at 12:00 noon on Wednesday, August 31, 2011.**
3. **If \$160 is not paid by said date and time, the possession of the residential premises will be surrendered to the Respondent (lessor) and the Sheriff is directed to put the Respondent in possession of the residential premises at 12:00 noon on Wednesday, August 24, 2011.**

DATED at Charlottetown, Prince Edward Island, this **23rd** day of **August**, 2011.

BY THE COMMISSION:

(Sgd. John Broderick)

John Broderick, Commissioner

(Sgd. Leonard Gallant)

Leonard Gallant, Commissioner

(Sgd. Peter McCloskey)

Peter McCloskey, 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)