



**THE ISLAND REGULATORY AND  
APPEALS COMMISSION**

Prince Edward Island  
Île-du-Prince-Édouard  
CANADA

**Docket LR11026  
Order LR11-28**

**IN THE MATTER** of an appeal, under  
Section 25 of the Rental of Residential  
Property Act, by Tessa Burke against Order  
LD11-196 issued by the Director of  
Residential Rental Property dated August 12,  
2011

**BEFORE THE COMMISSION**  
on Thursday, the 8th day of September, 2011.

John Broderick, Commissioner  
Michael Campbell, Commissioner  
Jean Tingley, 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  
Property Act, by Tessa Burke against Order  
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# Order

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Tessa Burke (the Appellant) has appealed Order LD11-196 issued by the Director of Residential Rental Property (the Director) on August 12, 2011.

In Order LD11-196, the Director found that the Notice of Termination by Lessor of Rental Agreement dated July 8, 2011 was valid and ordered the Appellant to vacate the residential premises on or before August 19, 2011.

The appeal was heard by the Commission on August 29, 2011. The Appellant did not appear at the hearing. Peter Doucette represented the Respondent, East Coast Property Management.

The Commission found that the Notice of Hearing used an incorrect street address and the correct postal code. This error appears to have originated with various forms filed by the Respondent and the error was carried over by the Director and later by the Commission. In spite of this error, the Appellant did attend the hearing before the Director. The Respondent advised the Commission that he believed that the Appellant had moved out of the residential premises. Given the street address error combined with the Appellant's failure to appear before the Commission, the Commission adjourned the hearing so that Commission staff could attempt to contact the Appellant.

Commission staff attempted to telephone the Appellant without success. Staff then re-mailed the file materials to the correct mailing address, along with a cover letter requesting that the Appellant contact Commission staff immediately. No response was received.

Given that the Appellant failed to attend the hearing before the Commission and that the Appellant failed to contact Commission staff to facilitate a new hearing date, the Commission finds that the Appellant has abandoned her appeal and therefore Order LD11-196 remains in full force and effect.

**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 of Order LD11-196 has been abandoned by the Appellant and said Order therefore remains in full force and effect.**

**DATED** at Charlottetown, Prince Edward Island, this **8th** day of **September**,  
**2011**.

**BY THE COMMISSION:**

(Sgd.) *John Broderick*

John Broderick, Commissioner

(Sgd.) *Michael Campbell*

Michael Campbell, 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)