



**THE ISLAND REGULATORY AND
APPEALS COMMISSION**

Prince Edward Island
Île-du-Prince-Édouard
CANADA

**Docket LR12005
Order LR12-06**

IN THE MATTER of an appeal, under
Section 25 of the Rental of Residential
Property Act, by Thomas P. Bradley against
Order LD12-045 issued by the Director of
Residential Rental Property dated February
15, 2012

BEFORE THE COMMISSION
on Thursday, the 23rd day of February, 2012.

Allan Rankin, Vice-Chair
Ferne MacPhail, 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 Thomas P. Bradley against
Order LD12-045 issued by the Director of
Residential Rental Property dated February
15, 2012

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BACKGROUND

On February 16, 2012 the Commission received a Notice of Appeal dated February 15, 2012 from Thomas P. Bradley (the Appellant) requesting an appeal of Order LD12-045 dated February 15, 2012, said Order issued by the Director of Residential Rental Property (the Director).

By way of background, on January 30, 2012 Chris Higgins, on behalf of Shelly Higgins and himself (the Respondents), filed with the Director a Form 2 – Application for Enforcement of Statutory or Other Conditions of Rental Agreement dated January 30, 2012 to which was attached a Form 4 – Notice of Termination by Lessor of Rental Agreement dated January 4, 2012.

The matter was heard by the Director on February 13, 2012. In Order LD12-045 the Director ordered:

“IT IS THEREFORE ORDERED THAT

- 1. Possession of the residential premises be surrendered to the lessors and the Sheriff is directed to put the lessors in possession of the residential premises at 12:00 noon, February 16, 2012.”*

The appeal was scheduled to be heard by the Commission on February 23, 2012, commencing at 10:30 a.m. The Respondent Chris Higgins appeared before the Commission. The Appellant failed to appear. The Commission waited for ten minutes while Commission staff attempted to telephone the Appellant.

The Appellant could not be reached by telephone. He did not leave any messages with the Commission to explain the absence. The Commission finds that the Appellant received written notice of the date, time and location of the hearing and accordingly, the Commission finds that the Appellant, by not appearing for the appeal that he filed, has abandoned his appeal and Order LD12-045 is hereby confirmed in its entirety.

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 has abandoned his appeal.
2. Order LD12-045, issued by the Director on February 15, 2012, is hereby confirmed in its entirety.

DATED at Charlottetown, Prince Edward Island, this **23rd** day of **February**, 2012.

BY THE COMMISSION:

(sgd.) Allan Rankin
Allan Rankin, Vice-Chair

(sgd.) Ferne MacPhail
Ferne MacPhail, 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)