



**THE ISLAND REGULATORY AND  
APPEALS COMMISSION**

Prince Edward Island  
Île-du-Prince-Édouard  
CANADA

**Docket LR12006  
Order LR12-10**

**IN THE MATTER** of an appeal, under  
Section 25 of the Rental of Residential  
Property Act, by Cheryl Chandler against  
Order LD12-054 issued by the Director of  
Residential Rental Property dated February  
27, 2012

**BEFORE THE COMMISSION**  
on Thursday, the 15th day of March, 2012.

Allan Rankin, Vice-Chair  
Leonard Gallant, Commissioner  
Jean Tingley, Commissioner

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# Order

Compared and Certified a True Copy

(Sgd.) Susan D. Jefferson

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Commission Administrator  
Land, Corporate and Appellate Services Division

**IN THE MATTER** of an appeal, under  
Section 25 of the Rental of Residential  
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## BACKGROUND

On March 8, 2012 the Commission received a Notice of Appeal dated the same day from Cheryl Chandler (the Appellant) requesting an appeal of Order LD12-054 dated February 27, 2012 said Order issued by the Director of Residential Rental Property (the Director).

By way of background, on February 10, 2012 the Appellant filed with the Director a Form 6 – Application by Lessee to Set Aside Notice of Termination to which was attached a Form 4 – Notice of Termination by Lessor of Rental Agreement dated February 5, 2012 signed by KEM Holdings Inc. (the Respondent).

The matter was heard by the Director on February 21, 2012. In Order LD12-054 the Director ordered:

***“IT IS THEREFORE ORDERED THAT***

- 1. The Lessee’s application to set aside the Notice of Termination is denied.*
- 2. The Notice of Termination by Lessor of Rental Agreement dated February 5, 2012 to be effective February 25, 2012 is valid.*
- 3. The rental agreement between the lessee and the lessor for the residential premises is hereby terminated as of midnight, February 29, 2012. The lessee must vacate the residential premises on or before this time and date.”*

## THE HEARING

The appeal was scheduled to be heard by the Commission on March 15, 2012 at 1:30 p.m. The hearing commenced and the Appellant was not present. Edward and Linda Menzie were present to represent the Respondent.

Commission staff telephoned the Appellant who advised that she had moved out of the residential premises and therefore saw no need to attend her appeal hearing.

As the Appellant was aware of the date, time and location of the hearing yet chose not to attend her appeal, the Commission finds that the Appellant has abandoned her appeal and the Commission hereby confirms Order LD12-054 in its entirety.

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**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 hereby deemed to be abandoned.
2. Director's Order LD12-054 is confirmed in its entirety.

**DATED** at Charlottetown, Prince Edward Island, this 15th day of March, 2012.

**BY THE COMMISSION:**

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Allan Rankin, Vice-Chair

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Leonard Gallant, Commissioner

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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)