



**THE ISLAND REGULATORY AND  
APPEALS COMMISSION**

Prince Edward Island  
Île-du-Prince-Édouard  
CANADA

**Docket LR12020  
Order LR12-22**

**IN THE MATTER** of an appeal under  
Section 25 of the Rental of Residential  
Property Act, by Blaine MacDonald against  
Order LD12-237 dated September 5, 2012  
issued by the Director of Residential Rental  
Property

**BEFORE THE COMMISSION**  
on Monday, the 24th day of September, 2012.

John Broderick, Commissioner  
Michael Campbell, Commissioner  
Ferne MacPhail, 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

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## BACKGROUND

On September 10, 2012 the Commission received a Notice of Appeal dated the same date signed by a lessee, Blaine MacDonald (the Appellant) requesting an appeal of Order LD12-237 dated September 5, 2012 issued by the Director of Residential Rental Property (the Director).

By way of background on August 14, 2012 a lessor, Betty Lou Munn, filed with the Director a Form 5 – Application by Lessor for Earlier Termination dated August 13, 2012 to which was attached a Form 4 – Notice of Termination by Lessor of Rental Agreement dated August 13, 2012.

The matter was heard by the Director on August 22, 2012 and in Order LD12-237 the Director ordered:

***“IT IS THEREFORE ORDERED THAT***

- 1. The lessors’ application for earlier termination of the rental agreement is denied.*
- 2. The rental agreement between the parties is terminated effective September 13, 2012.”*

The appeal was heard by the Commission on September 21, 2012. The Appellant was present and was assisted by Chris McCabe. Barry Munn and Betty Lou Munn (the Respondents) were also present.

## EVIDENCE

The Appellant requested that he have a further 30 days’ notice in order to assist him in finding a new apartment. He explained that at this time of year apartments are in short supply, as students are returning to university and college.

The Respondents explained in detail why they wanted the rental agreement terminated.

## DECISION

The Commission agrees with the reasoning of the Director that it is appropriate to terminate the rental agreement. With respect to the Appellant's request for additional notice, the Commission notes that the Appellant already has had over one month's notice. Accordingly, the Commission upholds Order LD12-237 in its entirety.

The Commission is very concerned about the Appellant's current situation which appears to be well beyond the control of either the Appellant or the Respondents. The Commission is hopeful that the provincial authority assisting the Appellant will, if possible, take swift action to address this situation.

**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. Director's Order LD12-237 is hereby confirmed in its entirety.

**DATED** at Charlottetown, Prince Edward Island, this **24th** day of **September, 2012**.

**BY THE COMMISSION:**

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(sgd. John Broderick)

John Broderick, Commissioner

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(sgd. Michael Campbell)

Michael Campbell, Commissioner

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(sgd. Ferne MacPhail)

Ferne MacPhail, 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)