



**THE ISLAND REGULATORY AND
APPEALS COMMISSION**

Prince Edward Island
Île-du-Prince-Édouard
CANADA

**Docket LR12022
Order LR12-23**

IN THE MATTER of an appeal under
Section 25 of the Rental of Residential
Property Act, by Donna Gormley against
Order LD12-219 dated August 21, 2012
issued by the Director of Residential Rental
Property

BEFORE THE COMMISSION
on Monday, the 1st day of October, 2012.

Allan Rankin, Vice-Chair
Leonard Gallant, Commissioner
Jean Tingley, 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 Donna Gormley against
Order LD12-219 dated August 21, 2012
issued by the Director of Residential Rental
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BACKGROUND

On September 11, 2012 the Commission received a Notice of Appeal dated the same date signed by a lessee, Donna Gormley (the Appellant) requesting an appeal of Order LD12-219 dated August 21, 2012 issued by the Director of Residential Rental Property (the Director).

By way of background, on March 7, 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 signed by a lessor, Clifford McQuaid (the Respondent) dated February 27, 2012.

The matter was heard by the Director on March 22, 2012 and in Order LD12-219 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 dated February 27, 2012 to be effective on September 1, 2012 is valid.*
- 3. The rental agreement between the lessee and the lessors for the residential premises is hereby terminated as of midnight, September 1, 2012.*
- 4. The lessee shall advise the Director as to whether she wishes a second hearing on the issue of the return of some or all of her costs to install a new heating system by September 1, 2012.”*

The Hearing was held by the Commission on September 27, 2012. The Appellant was present. The Respondent was also present and was accompanied by his legal counsel, William Dow.

EVIDENCE

The Commission did not hear evidence in this matter.

The parties met privately prior to the commencement of the hearing in an effort to resolve their differences.

When the hearing convened, the parties advised the Commission that they had reached an agreement. The Appellant advised that she wants her appeal to be considered withdrawn. The Appellant also advised that the withdrawal was based on an agreement with the Respondent, the terms of which were agreeable to the Appellant.

DECISION

The Commission considers the appeal withdrawn based on the parties having reached an oral agreement the terms of which follow:

1. The Appellant may live rent free in the trailer park until October 31, 2012 at which date she must have vacated the trailer park.
2. The Respondent agrees at his cost to have his mover move the Appellant's trailer to a site, of her choice within Prince Edward Island. The Respondent also agrees to set up the trailer on the appropriate location on that site.
3. The Appellant agrees that she will not request a second hearing before the Director on the issue of the return of some or all of her costs to install a new heating system.

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

IT IS ORDERED THAT

1. **The Commission considers the appeal withdrawn based on the agreement reached by the parties.**

DATED at Charlottetown, Prince Edward Island, this **1st** day of **October**, 2012.

BY THE COMMISSION:

(sgd. Allan Rankin)

Allan Rankin, Vice-Chair

(sgd. Leonard Gallant)

Leonard Gallant, 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)