



**THE ISLAND REGULATORY AND  
APPEALS COMMISSION**

Prince Edward Island  
Île-du-Prince-Édouard  
CANADA

**Docket LR12033  
Order LR12-28**

**IN THE MATTER** of an appeal under  
Section 25 of the Rental of Residential  
Property Act by Ken Darby against Order 12-  
316 dated November 15, 2012 issued by the  
Director of Residential Rental Property.

**BEFORE THE COMMISSION**  
on Wednesday, the 21st day of November,  
2012.

Maurice Rodgerson, Chair  
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 Ken Darby against Order 12-316 dated November 15, 2012 issued by the Director of Residential Rental Property.

---

# Order

---

## BACKGROUND

On November 16, 2012 the Commission received a Notice of Appeal dated the same date from a lessee, Ken Darby (the Appellant) requesting an appeal of Order LD12-316 dated November 15, 2012 issued by the Director of Residential Rental Property.

By way of background, on November 2, 2012 a lessor, Clifford McQuaid (the Respondent) filed with the Director a Form 2 – Application for Enforcement of Statutory or Other Conditions of Rental Agreement to which was attached a Form 4 – Notice of Termination by Lessor of Rental Agreement dated February 27, 2012.

The matter was heard by the Director on November 15, 2012 and in Order LD12-316 the Director ordered:

***“IT IS THEREFORE ORDERED THAT***

- 1. Possession of the residential premises be surrendered to the lessor and the Sheriff is directed to put the lessor in possession of the residential premises at 12:00 noon, November 19, 2012.”*

The hearing was held by the Commission on November 21, 2012. The Appellant was present. The Respondent was also present.

## EVIDENCE

The Respondent told the Commission that he and the Appellant have reached an agreement to settle the matter. The Appellant confirmed that the parties have settled the matter and the Appellant therefore wishes to withdraw his appeal.

## DECISION

Given that the parties have settled the appeal, the Commission accepts the withdrawal of the appeal.

**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 The appeal is withdrawn. Order LD12-316 remains in force subject to any changes agreed to by the parties.

**DATED** at Charlottetown, Prince Edward Island, this **21st** day of **November, 2012**.

**BY THE COMMISSION:**

\_\_\_\_\_  
(sgd. Maurice Rodgerson)

Maurice Rodgerson, Chair

\_\_\_\_\_  
(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)