



**THE ISLAND REGULATORY AND
APPEALS COMMISSION**

Prince Edward Island
Île-du-Prince-Édouard
CANADA

**Docket LR12034
Order LR12-29**

IN THE MATTER of an appeal under
Section 25 of the Rental of Residential
Property Act by Stan Carson against Order
12-317 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 Stan Carson against Order 12-317 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, Stan Carson (the Appellant) requesting an appeal of Order LD12-317 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 LD12-317 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 not present. The Respondent was present.

EVIDENCE

As the Appellant failed to show for the hearing, Commission staff attempted to telephone the Appellant; however there was no answer. Commission staff left a message for the Appellant. The Commission waited several minutes to start the hearing; however the Appellant did not appear.

The Respondent advised that he has settled the matter with the Appellant.

DECISION

As the Appellant failed to appear, the Commission deems his appeal withdrawn.

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 The appeal is hereby deemed to be withdrawn as the Appellant failed to appear.
2. Order LD12-317 remains in effect subject to any changes which may have been 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)