



**THE ISLAND REGULATORY AND
APPEALS COMMISSION**

Prince Edward Island
Île-du-Prince-Édouard
CANADA

**Docket LR12035
Order LR13-02**

IN THE MATTER of an appeal under
Section 25 of the Rental of Residential
Property Act, by Ruthann Bradshaw against
Order LD12-319 dated November 15, 2012
issued by the Director of Residential Rental
Property

BEFORE THE COMMISSION
on Tuesday, the 8th day of January, 2013.

Allan Rankin, Vice-Chair
Leonard Gallant, Commissioner
Ferne MacPhail, 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 Ruthann Bradshaw against
Order LD12-319 dated November 15, 2012
issued by the Director of Residential Rental
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BACKGROUND

On November 16, 2012 the Commission received a Notice of Appeal dated the same date signed by a lessee, Ruthann Bradshaw (the Appellant) requesting an appeal of Order LD12-319 dated November 15, 2012 issued by the Director of Residential Rental Property (the Director).

By way of background, on October 26, 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 October 19, 2012 signed by the lessors, Normand Franks and Susan Franks (the Respondents).

The matter was heard by the Director on November 8, 2012 and in Order LD12-319 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 October 19, 2012 to be effective November 19, 2012 is valid.*
- 3. The rental agreement between the lessee and the lessors for the residential premises (mobile home lot) is hereby terminated as of midnight, November 19, 2012. The lessee must remove her mobile home from the residential premises on or before this time and date.”*

The hearing was held by the Commission on December 13, 2012. The Appellant and the Respondents were both present. Timothy Rogers testified for the Appellant.

EVIDENCE

The Appellant filed a written submission (Exhibit E-20) and read her submission into the record. The Appellant also noted that she would like to keep her mobile home in the Respondents’ park. She told the Commission that it is a lot of responsibility for her and that she has tried her very best. She also noted that she had prepaid for one year.

The Respondents told the Commission that the Appellant is prepaid up until the end of February 2013. The Respondents testified that the Appellant has permitted vehicles to be parked on the lawn of her lot, leading to lawn damage. Further, the Appellant has not cut her lawn on a regular basis. The Appellant has items stored outside which are untidy and should have been removed. The Respondents provided photographs (Exhibit E-23) to support their concerns.

DECISION

Based on the evidence, the Commission finds that the Appellant has not been taking responsibility for the upkeep of her mobile home lot in the Respondents' park. Accordingly, the Commission agrees with the Director that the rental agreement between the parties should be terminated and therefore the Appellant will be required to move her mobile home from the Respondents' mobile home park.

However, the Commission is of the view that many of the concerns such as grass cutting and lawn condition are temporarily mitigated by the winter season. Further, the Appellant has prepaid her lot rent up until the end of February 2013. Accordingly, the Commission upholds Director's Order LD12-319 but varies the termination date to February 28, 2013.

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. The rental agreement between the parties is hereby terminated as of midnight February 28, 2013 and the Appellant [lessee] must remove her mobile home from the Respondents' [lessors] mobile home park on or before the aforementioned time and date.
3. In all other respects Director's Order LD12-319 is hereby confirmed.

DATED at Charlottetown, Prince Edward Island, this **8th** day of **January**, 2013.

BY THE COMMISSION:

(sgd. Allan Rankin)

Allan Rankin, Vice-Chair

(sgd. Leonard Gallant)

Leonard Gallant, Commissioner

(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)