



**THE ISLAND REGULATORY AND
APPEALS COMMISSION**

Prince Edward Island
Île-du-Prince-Édouard
CANADA

**Docket LR13002
Order LR13-04**

IN THE MATTER of an appeal under
Section 25 of the Rental of Residential
Property Act, by Nancy Paquet against Order
LD13-035 dated February 14, 2013 issued by
the Director of Residential Rental Property.

BEFORE THE COMMISSION
on Tuesday, the 5th day of March, 2013.

Maurice Rodgerson, 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 Nancy Paquet against Order
LD13-035 dated February 14, 2013 issued by
the Director of Residential Rental Property.**

Order

BACKGROUND

On February 15, 2013 the Commission received a Notice of Appeal dated the same date signed by a lessee, Nancy Paquet (the Appellant) requesting an appeal of Order LD13-035 dated February 14, 2013 issued by the Director of Residential Rental Property.

By way of background, on February 5, 2013 a lessor, Aldo DiBacco (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 January 11, 2013.

The matter was heard by the Director on February 14, 2013 and in Order LD13-035 the Director ordered:

“IT IS 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, Monday, February 18, 2013.”*

The hearing was held by the Commission on March 5, 2013. The Respondent was present. The Appellant was not present.

The Commission noted that a Notice of Hearing and a cover letter, both dated February 25, 2013, were mailed to the Appellant. The Commission finds that the Appellant was informed of the date, time and location of the hearing.

The Appellant did not contact Commission staff following the mailing of the Notice of Hearing.

The Appellant failed to attend the appeal hearing and did not provide Commission staff with any notice that she would not be in attendance. The Commission has therefore determined that the Appellant abandoned her appeal as she did not attend the hearing and offered no advance explanation for not appearing before the Commission. Accordingly, Director’s Order LD13-035 remains in full force and effect.

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 dismissed as the Appellant has abandoned her appeal.
2. Director's Order LD13-035 remains in full force and effect.

DATED at Charlottetown, Prince Edward Island, this **5th** day of **March**, 2013.

BY THE COMMISSION:

(sgd. Maurice Rodgerson)

Maurice Rodgerson, 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)