



**THE ISLAND REGULATORY AND
APPEALS COMMISSION**

Prince Edward Island
Île-du-Prince-Édouard
CANADA

**Docket LR13005
Order LR13-05**

IN THE MATTER of an appeal under
Section 25 of the Rental of Residential
Property Act, by Meaghan Grant and George
Walsh against Order LD13-056 dated March
6, 2013 issued by the Director of Residential
Rental Property

BEFORE THE COMMISSION
on Thursday, the 14th day of March, 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 Meaghan Grant and George
Walsh against Order LD13-056 dated March
6, 2013 issued by the Director of Residential
Rental Property

Order

BACKGROUND

On March 7, 2013 the Commission received a Notice of Appeal dated the same date signed by a lessee, Meaghan Grant (Ms. Grant) requesting an appeal of Order LD13-056 dated March 6, 2013 issued by the Director of Residential Rental Property.

By way of background, on February 28, 2013 a lessor, Shumei Yuan (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 issued to Ms. Grant and George Walsh (collectively the Appellants) dated February 7, 2013.

The matter was heard by the Director on March 5, 2013 and in Order LD13-056 the Director ordered:

“IT IS ORDERED THAT

- 1. Possession of the residential premises located at 138B Longworth Avenue, Charlottetown, PE shall be surrendered to the lessor, and the Sheriff is directed to put the lessor in possession of the residential premises at 11:00 A.M., Friday, March 8, 2013.”*

The matter was heard before the Commission on March 14, 2013. The Appellants were not present. The Respondent was represented by Zhao Guobing and Neil Guo.

The Commission heard testimony from Commission staff that the Notice of Hearing and a cover letter, both dated March 11, 2013, were picked up in person by George Walsh. Commission staff also testified that on March 11, 2013 Ms. Grant was notified, by telephone, of the date and time of the hearing. The Commission finds that the Appellants were informed of the date, time and location of the hearing

The Appellants did not contact Commission staff following the delivery of the Notice of Hearing.

The Appellants failed to attend the appeal hearing and did not provide Commission staff with any notice that they would not be in attendance. The Commission has therefore determined that the Appellants abandoned their appeal as they did not attend the hearing and offered no advance explanation for not appearing before the Commission. Accordingly, Director's Order LD13-056 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 Appellants have abandoned their appeal.**
2. **Director's Order LD13-056 remains in full force and effect.**

DATED at Charlottetown, Prince Edward Island, this **14th** day of **March**, 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)