



**THE ISLAND REGULATORY AND  
APPEALS COMMISSION**

Prince Edward Island  
Île-du-Prince-Édouard  
CANADA

**Docket LR13008  
Order LR13-06**

**IN THE MATTER** of an appeal under  
Section 25 of the Rental of Residential  
Property Act by Christa Ellis against Order  
LD13-111 dated April 24, 2013 issued by the  
Director of Residential Rental Property

**BEFORE THE COMMISSION**  
on Tuesday, the 7th day of May, 2013.

John Broderick, Commissioner  
Peter McCloskey, 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 Christa Ellis against Order  
LD13-111 dated April 24, 2013 issued by the  
Director of Residential Rental Property**

---

# Order

---

On April 29, 2013 the Commission received a Notice of Appeal dated the same date signed by a lessee, Christa Ellis (the “Appellant”) requesting an appeal of Order LD13-111 dated April 24, 2013 issued by the Director of Residential Rental Property.

By way of background, on April 11, 2013 a lessor, Gateway Cooperative Ltd. (the Respondent) filed with the Director a Form 2 – Application for Enforcement of Statutory or Other Conditions of Rental Agreement dated April 11, 2013 to which was attached a Form 4 – Notice of Termination by Lessor of Rental Agreement dated March 7, 2013.

The matter was heard by the Director on April 22, 2013 and in Order LD13-111 the Director ordered:

**“IT IS THEREFORE ORDERED THAT**

- 1. Possession of the residential premises located at 21 Great George Street, Apartment 102, Charlottetown, PE shall be surrendered to the lessor, and the Sheriff is directed to put the lessor in possession of the residential premises at 4 PM, Tuesday, April 30, 2013.”**

The matter was heard before the Commission on May 7, 2013. The Appellant was present. The Respondent was represented by Dan Murray of Atlantic Peoples Housing.

The Appellant acknowledged that she owed rent. She told the Commission that she has been late paying rent in the past but always ultimately paid her rent. The Appellant told the Commission that she has found a new residence and will be moving in “next Friday”.

During the hearing, all parties appeared to understand “next Friday” as May 18, 2013. However, during its post hearing deliberations the Commission realized that such an understanding was in error and that “next Friday” is in fact May 17, 2013.

Mr. Murray requested that the Respondent gain possession of the premises either Friday May 10 or Monday May 13, 2013.

In response to a question from the Commission, Mr. Murray indicated that he wouldn't have a problem with the Respondent gaining possession on "May 18" [understood at the time as "next Friday"] so long as that date was firm.

The Commission is of the view that an ordered date and time of possession ought to coincide with the operating hours of the Sheriff's office. Accordingly, the Commission will not order a date of possession to fall on Saturday, May 18, 2013.

The Commission hereby denies the appeal and upholds Director's Order LD13-111 subject to a variance in the date of possession as set out below.

**NOW THEREFORE**, pursuant to the *Island Regulatory and Appeals Commission Act* and the *Rental of Residential Property Act*

## **IT IS ORDERED THAT**

1. **Possession of the residential premises located at 21 Great George Street, Apartment 102, Charlottetown, PE shall be surrendered to the lessor, and the Sheriff is directed to put the lessor in possession of the residential premises at 4 PM, Friday, May 17, 2013."**

**DATED** at Charlottetown, Prince Edward Island, this **7th** day of **May, 2013**.

**BY THE COMMISSION:**

\_\_\_\_\_  
(sgd. John Broderick)

John Broderick, Commissioner

\_\_\_\_\_  
(sgd. Peter McCloskey)

Peter McCloskey, 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)