



**THE ISLAND REGULATORY AND
APPEALS COMMISSION**

Prince Edward Island
Île-du-Prince-Édouard
CANADA

**Docket LR13009
Order LR13-07**

IN THE MATTER of an appeal under
Section 25 of the Rental of Residential
Property Act by Nanci Paquet against Order
LD13-116 dated April 30, 2013 issued by the
Director of Residential Rental Property

BEFORE THE COMMISSION
on Wednesday, the 15th 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 Nanci Paquet against Order
LD13-116 dated April 30, 2013 issued by the
Director of Residential Rental Property**

Order

On May 6, 2013 the Commission received a Notice of Appeal dated the same date signed by a lessee, Nanci Paquet (the “Appellant”) requesting an appeal of Order LD13-116 dated April 30, 2013 issued by the Director of Residential Rental Property (the Director).

By way of background, on April 22, 2013 a lessor, Jessy Judson (the Respondent), filed with the Director a Form 2 – Application for Enforcement of Statutory or Other Conditions of Rental Agreement dated April 22, 2013 to which was attached a Form 4 – Notice of Termination by Lessor of Rental Agreement dated April 1, 2013.

The matter was heard by the Director on April 30, 2013 and in Order LD13-116 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 noon, May 1, 2013.”**

The matter was heard before the Commission on May 14, 2013. The Appellant was present. Dwayne Arnold was also present on behalf of the Appellant. The Respondent was represented by Kelly Judson (Ms. Judson).

The Appellant told the Commission that she paid rent for March and April but never received a receipt. She acknowledged that she owes rent for the first half of May and that she never paid the security deposit. She noted that she has found a new place to live and requests that she be able to stay until midnight Thursday May 16, 2013.

Ms. Judson told the Commission that the Appellant had paid rent for March but she never paid the April rent. Ms. Judson told the Commission that the Respondent consents to the Appellant’s request to leave the residential premises on May 16, 2013.

The Commission finds that the evidence does not reveal any error in Director’s Order LD13-116. The Commission notes that the Respondent’s representative has consented to adjusting the date of possession to May 16, 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 Commission denies the appeal and upholds Director's Order LD13-116.
2. 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 4:00 p.m., May 16, 2013.

DATED at Charlottetown, Prince Edward Island, this **15th** 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)