



**THE ISLAND REGULATORY AND
APPEALS COMMISSION**

Prince Edward Island
Île-du-Prince-Édouard
CANADA

**Docket LR11028
Order LR13-08**

IN THE MATTER of a supplement to
Order LR11-32, issued by the Commission
on November 1, 2011.

BEFORE THE COMMISSION
on Thursday, the 6th day of June, 2013.

John Broderick, Commissioner
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 a supplement to
Order LR11-32, issued by the Commission
on November 1, 2011.

Order

On November 1, 2011, the Commission issued Order LR11-32 after holding a public hearing on October 28, 2011.

In Order LR11-32 the Commission had stated the following:

“The Commission notes that the Respondent’s testimony states that if there had not been complaints of social problems by neighbours, the Respondent may have been willing to grant additional time and may have entered into a new payment agreement with the Appellant. It may very well be said that there is an expectation that a social housing agency will show more tolerance to its clients than that expected from a private, for profit landlord.”

The Commission seeks to clarify the intended meaning of the last sentence of the paragraph quoted above from Order LR11-32.

While there may be an expectation from tenants and perhaps the general public that a social housing agency will show “more tolerance” to a tenant than a “private, for profit landlord”, the Commission wishes to make it clear that there is no legal requirement for a social housing agency to do so. Neither the ***Rental of Residential Property Act*** nor the common law imposes any such obligation on a social housing agency.

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 hereby clarifies Order LR11-32 by stating that there is no legal requirement for a social housing agency to show more tolerance to a tenant than what would be reasonably expected from a private, for profit landlord.**

DATED at Charlottetown, Prince Edward Island, this 6th day of June, 2013.

BY THE COMMISSION:

(sgd. John Broderick)

John Broderick, Commissioner

(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)