



**THE ISLAND REGULATORY AND  
APPEALS COMMISSION**

Prince Edward Island  
Île-du-Prince-Édouard  
CANADA

**Docket LR13012  
Order LR13-11**

**IN THE MATTER** of an appeal filed  
under Section 25 of the Rental of Residential  
Property Act, by Andrew (Drew) Wall against  
Order LD13-199 dated July 11, 2013 issued  
by the Director of Residential Rental  
Property

**BEFORE THE COMMISSION**  
on Thursday, the 18th day of July, 2013.

John Broderick, Acting Vice-Chair  
Ferne MacPhail, Commissioner  
Peter McCloskey, Commissioner

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# Order

Compared and Certified a True Copy

(Sgd.) Susan D. Jefferson

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Commission Administrator  
Land, Corporate and Appellate Services Division

**IN THE MATTER** of an appeal filed  
under Section 25 of the Rental of Residential  
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On July 11, 2013 the Commission received a Notice of Appeal dated the same date from a lessee, Andrew (Drew) Wall (the Appellant) requesting an appeal of Order LD13-199 dated July 11, 2013 issued by the Director of Residential Rental Property (the Director).

The matter was heard by the Director on July 8, 2013. In Order LD13-199 it states, that:

***“IT IS THEREFORE ORDERED THAT***

- 1. The lessor’s application for earlier termination is valid.*
- 2. The rental agreement between the lessor and the lessee for the residential premises is hereby terminated as of 12:00 noon, Friday, July 12, 2013. The lessee shall vacate the unit on or before this time and date.”*

The Commission heard this appeal on July 17, 2013. The Appellant was present in person. Cassie Acorn (Ms. Acorn) testified on behalf of the Appellant. The lessor, Home Base Inc. (the Respondent) was represented by Ida MacCarville (Ms. MacCarville). Art Burke was also present for the Respondent.

The Appellant disputed the various documents filed by the Respondent before the Director as well as the new exhibits filed by the Respondent at the appeal hearing before the Commission. Ms. Acorn testified as to her recollection of various events.

Ms. MacCarville submitted that the key issue concerned the safety of the other tenants in the building. She submitted that the documentary evidence, including various colour photographs, supported the Director’s decision to order an early termination of the rental agreement.

The Commission finds that the documents on file, especially the photographs, provide sufficient evidence to support the decision made by the Director. In addition, new photographs were filed at the hearing to establish the condition of the residential premises on the day of the hearing. These new photographs make it clear to the Commission that the safety concerns identified by the Director have not been addressed by the Appellant.

Accordingly, the Commission upholds Order LD13-199.

**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 denied.
2. Director's Order LD13-199 is hereby upheld in its entirety, subject to a variation of the termination date. The rental agreement between the lessor and the lessee for the residential premises is hereby terminated as of 3:00 p.m. Friday, July 19, 2013. The lessee shall vacate the unit on or before this time and date.
3. If the lessee fails to comply with Director's Order LD13-199 as varied by Commission Order LR13-11, the lessor may make application to the Director for an Order that possession of the residential premises be surrendered to the lessor and directing the sheriff to put the lessor in possession of the residential premises.

**DATED** at Charlottetown, Prince Edward Island, this **18th** day of **July**, 2013.

**BY THE COMMISSION:**

(sgd. John Broderick)

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John Broderick, Acting Vice-Chair

(sgd. Ferne MacPhail)

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Ferne MacPhail, Commissioner

(sgd. Peter McCloskey)

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Peter McCloskey, 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)