



**THE ISLAND REGULATORY AND
APPEALS COMMISSION**

Prince Edward Island
Île-du-Prince-Édouard
CANADA

**Docket LR13017
Order LR13-15**

IN THE MATTER of an appeal under
Section 25 of the Rental of Residential
Property Act by Heidi Anderson against
Order LD13-273 dated September 9, 2013
issued by the Director of Residential Rental
Property.

BEFORE THE COMMISSION
on Thursday, the 19th day of September,
2013.

John Broderick, Acting Vice-Chair
Michael Campbell, 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 Heidi Anderson against
Order LD13-273 dated September 9, 2013
issued by the Director of Residential Rental
Property.

Order

BACKGROUND

On September 12, 2013 the Commission received a Notice of Appeal dated the same date from a lessee, Heidi Anderson (the Appellant) requesting an appeal of Order LD13-273 dated September 9, 2013 issued by the Director of Residential Rental Property (the Director).

By way of background, on September 3, 2013 the lessors, Stephanie Andrews and Brian Andrews (collectively the Respondents), filed with the Director a Form 2 – Application for Enforcement of Statutory or Other Conditions of Rental Agreement dated September 3, 2013, together with a Form 4 – Notice of Termination by Lessor of Rental Agreement dated August 13, 2013.

The matter was heard by the Director on September 9, 2013. In Order LD13-273 it states that:

“IT IS THEREFORE ORDERED THAT

- 1. Possession of the residential premises be surrendered to the lessors and the Sheriff is directed to put the lessors in possession of the residential premises at 12:00 noon, Thursday, September 12, 2013.”*

The matter was heard before the Commission on September 19, 2013. Both the Appellant and the Respondents were present.

EVIDENCE

The Appellant told the Commission that she is moving out of the residential premises and she needs one more day “to be out of the place”.

The Respondents told the Commission that they want immediate possession of the residential premises.

DECISION

The Commission finds that there is no error in the Director’s decision. Accordingly, the Commission upholds the Director’s Order, subject to a necessary variance in the date of possession.

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 LD13-273 is hereby confirmed, subject to a variance in the date of possession.
3. Possession of the residential premises situate at 48 Kent Street, Apartment A, Charlottetown, Prince Edward Island shall be surrendered to the Respondents (lessors) and the Sheriff is directed to put the Respondents in possession of the residential premises at 12:00 noon, on Friday, September 20, 2013.

DATED at Charlottetown, Prince Edward Island, this 19th day of September, 2013.

BY THE COMMISSION:

(sgd. John Broderick)

John Broderick, Acting Vice-Chair

(sgd. Michael Campbell)

Michael Campbell, 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)