



**THE ISLAND REGULATORY AND  
APPEALS COMMISSION**

Prince Edward Island  
Île-du-Prince-Édouard  
CANADA

**Docket LR14009  
Order LR14-11**

**IN THE MATTER** of an appeal under  
Section 25 of the Rental of Residential  
Property Act by Nanci Paquet against Order  
LD14-114 dated April 14, 2014 issued by the  
Director of Residential Rental Property.

**BEFORE THE COMMISSION**  
on Thursday, the 24th day of April, 2014.

John Broderick, Commissioner  
J. Scott MacKenzie, Chair  
M. Douglas Clow, Vice-Chair

---

# 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 LD14-114 dated April 14, 2014 issued by the Director of Residential Rental Property.

---

# Order

---

## BACKGROUND

On April 15, 2014 the Commission received a Notice of Appeal dated the same date signed by a lessee, Nanci Paquet (the “Appellant”) requesting an appeal of Order LD14-114 dated April 14, 2014 issued by the Director of Residential Rental Property (the Director).

By way of background, on April 3, 2014 a lessor, Capreit Limited Partnership (the “Respondent”), filed with the Director a Form 2 – Application for Enforcement of Statutory or Other Conditions of Rental Agreement to which was attached a Form 4 – Notice of Termination by Lessor of Rental Agreement dated March 10, 2014.

The matter was heard by the Director on April 14, 2014 and in Order LD14-114 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 11:00 A.M., Wednesday, April 16, 2014.”**

The matter was scheduled to be heard by the Commission on April 23, 2014 at 1:30 p.m. The Appellant was not present. The Respondent was represented by Julie Hennessey. The Commission delayed the commencement of the hearing by fifteen minutes in case the Appellant was delayed but the Appellant never appeared.

At the April 23, 2014 hearing, the Commission’s Administrator informed the Commission that the Notice of Appeal Hearing was mailed to both parties. The Commission’s Administrator also explained her efforts to attempt to reach the Appellant by telephone, using the telephone number the Appellant had listed on her Notice of Appeal, in order to remind the Appellant of the date, time and location of the appeal.

Following the hearing, the Commission’s Administrator received a telephone call from the Appellant explaining her absence.

The Commission reconvened the hearing on April 24, 2014 at 1:00 p.m. The Respondent was represented by Julie Hennessey and Jill Hobb. The Appellant was not initially present but did appear shortly after the hearing commenced.

The Appellant told the Commission that prior to receiving the Form 4 she had believed that the rent payments had been made by another person on her behalf. She advised that later she learned that the payments were not paid to the Respondent. The Appellant requested that she be allowed to stay in the residential premises until 5 p.m. April 25, 2014, in order to be able to move her possessions out of the residential premises.

The Respondent's representatives requested possession of the residential premises as soon as possible. The Respondent's representatives stated that the current rent arrears total \$2038.05.

## **DECISION**

The Commission agrees with the findings of the Director. The appeal is denied and the Commission confirms Director's Order LD14-114 in its entirety.

As the date for the Sheriff to put the Respondent in possession has already passed and the arrears of rent are substantial, the Commission will direct the Sheriff to put the Respondent in possession of the residential premises at the earliest possible opportunity in order to avoid any further delay.

**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 LD14-114 is confirmed in its entirety.**
3. **Possession of the residential premises located at 221 St. Peter's Road, Apartment #3, Charlottetown, PE shall be immediately surrendered to the Respondent (lessor) Capreit Limited Partnership, and the Sheriff is hereby directed to put the Respondent in possession of the residential premises at the earliest possible opportunity.**

**DATED** at Charlottetown, Prince Edward Island, this **24th** day of **April**, 2014.

### **BY THE COMMISSION:**

(sgd. John Broderick)

\_\_\_\_\_  
John Broderick, Commissioner

(sgd. J. Scott MacKenzie)

\_\_\_\_\_  
J. Scott MacKenzie, Chair

(sgd. M. Douglas Clow)

\_\_\_\_\_  
M. Douglas Clow, Vice-Chair

## 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)