



**THE ISLAND REGULATORY AND
APPEALS COMMISSION**

Prince Edward Island
Île-du-Prince-Édouard
CANADA

**Docket LR14010
Order LR14-12**

IN THE MATTER of an appeal under
Section 25 of the Rental of Residential
Property Act, made by Anthony Doyle and
Anjelica Kamanos against Order LD14-115
dated April 14, 2014 issued by the Director of
Residential Rental Property.

BEFORE THE COMMISSION
on Monday, the 28th 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, made by Anthony Doyle and Anjelica Kamanos against Order LD14-115 dated April 14, 2014 issued by the Director of Residential Rental Property.

Order

BACKGROUND

On April 16, 2014 the Commission received a Notice of Appeal dated the same date signed by two lessees, Anthony Doyle and Angelica Kamanos (the “Appellants”) requesting an appeal of Order LD14-115 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 dated April 3, 2014 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 LD14-115 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., Thursday, April 17, 2014.”**

The matter was heard before the Commission on April 25, 2014. The Appellants were present. The Respondent was represented by Julie Hennessey and Jill Hobb.

EVIDENCE

The Appellants acknowledged that they have significant rental arrears. They were hoping to pay the arrears with funds that have not materialized to date. They intend to move out of the residential premises at the end of April 2014.

The Respondent’s representatives told the Commission that they want to have immediate possession of the rental premises so they can prepare the unit for new tenants for May 1, 2014. They advised that they have not received any rent payments since the Appellants moved in on November 28, 2013.

Exhibit E-10 indicates that the Appellants owe the Respondent the sum of \$2,460.00 for unpaid rent.

DECISION

The Commission denies the appeal.

The Appellants owe the Respondent a large sum for unpaid rent. They have been living in the residential premises for almost five months and, other than paying a security deposit of \$307.50 when they first moved in, they have paid no rent.

The Commission agrees with the Director that possession of the residential premises is to be surrendered to the Respondent. Given the amount of rent owing, possession of the premises should be surrendered to the Respondent without 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 LD14-115 is confirmed in its entirety.**
3. **Possession of the residential premises located at 131 Norwood Road, Apartment #11, 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 **28th** 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)