



**THE ISLAND REGULATORY AND  
APPEALS COMMISSION**

Prince Edward Island  
Île-du-Prince-Édouard  
CANADA

**Docket LR14014  
Order LR14-17**

**IN THE MATTER** of an appeal filed  
under Section 25 of the Rental of Residential  
Property Act, made by Lighthouse  
Assistance Inc. against Order LD14-149  
dated May 16, 2014 issued by the Director of  
Residential Rental Property.

**BEFORE THE COMMISSION**  
on Friday, the 27th day of June, 2014.

John Broderick, Commissioner  
M. Douglas Clow, Vice-Chair  
Peter McCloskey, Commissioner

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# Order

Compared and Certified a True Copy

(Sgd.) Susan D. Jefferson

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Commission Administrator  
Corporate Services and Appeals

**IN THE MATTER** of an appeal filed under Section 25 of the Rental of Residential Property Act, made by Lighthouse Assistance Inc. against Order LD14-149 dated May 16, 2014 issued by the Director of Residential Rental Property.

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# Order

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## BACKGROUND

On June 5, 2014 the Commission received a Notice of Appeal dated the same day signed by Miller West, representative of a lessor, Lighthouse Assistance Inc. (the “Appellant”), requesting an appeal of Order LD14-149 dated May 16, 2014 issued by the Director of Residential Rental Property (the “Director”).

By way of background, on April 16, 2014 a lessee, John Jarvis (the “Respondent”) filed with the Director a Form 2 – Application for Enforcement of Statutory or Other Conditions of Rental Agreement.

The matter was heard by the Director on May 2, 2014 and in Order LD14-149 the Director ordered:

### **‘IT IS THEREFORE ORDERED THAT**

- 1. The lessor shall take whatever measures are required to ensure that the entrance is weatherproof and does not leak. The vinyl flooring in the kitchen is required to be replaced.**
- 2. The lessor shall repair or replace all ceiling tiles in the front room and both bedrooms, so as to ensure that they are secure.**
- 3. The light sockets in the bedrooms and bathroom shall be replaced with proper light fixtures.**
- 4. The lessor shall have a professional plumber examine the water heater to ensure that it provides a steady supply of hot water, and shall provide a letter from the plumber, addressed to the Rental Officer, confirming that the hot water supply is in good working order.**
- 5. All repairs as list (sic) above shall be completed no later than June 10, 2014. The lessee shall contact The Officer when the repairs are completed.**
- 6. The Officer will re-inspect the premises in six weeks on notice to both parties to ensure that the work ordered has been done.”**

The matter was heard before the Commission on June 25 and June 27, 2014. The Appellant was present on June 25, 2014 and was represented by Miller West. The Respondent did not appear on June 25, 2014 and the Commission later discovered an error in the Respondent's mailing address for his Notice of Appeal Hearing. Accordingly, the Commission scheduled an additional date to allow the Respondent to be heard. Mr. West informed the Commission he would not be present at the June 27, 2014 supplementary hearing. The Respondent was present on June 27, 2014.

## EVIDENCE

Mr. West advised the Commission at the June 25, 2014 hearing that he acquired the premises in 2011 and he is gradually getting it repaired. Mr. West agreed with the need for repairs as set out in the Director's Order; however, he requires an extension of the deadline in order to get the repairs done.

The Respondent told the Commission at the June 27, 2014 supplementary hearing that water comes into his kitchen when it rains or when snow melts. The Respondent provided pictures from his cell phone, which were viewed on the screen in the Commission's hearing room during the hearing. The Respondent also noted there was a smell of mold in his apartment.

## DECISION

The Commission varies Director's Order LD14-149 to require all repairs to be completed no later than July 20, 2014. In all other respects, Order LD14-149 remains the same.

The Commission takes notice of an April 14, 2014 letter to tenants in the file (Exhibit E-3). The Commission expects that this matter will be dealt with by the Director.

**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 allowed in part.
2. Item 5. of Director's Order LD14-149 is hereby varied to reflect a new deadline of July 20, 2014 for repairs to be completed.
3. In all other respects, Order LD14-149 is hereby confirmed.

**DATED** at Charlottetown, Prince Edward Island, this **27th** day of **June**,  
**2014**.

**BY THE COMMISSION:**

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(sgd. John Broderick)

John Broderick, Commissioner

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(sgd. M. Douglas Clow)

M. Douglas Clow, Vice-Chair

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(sgd. Peter McCloskey)

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)