



**THE ISLAND REGULATORY AND  
APPEALS COMMISSION**

Prince Edward Island  
Île-du-Prince-Édouard  
CANADA

**Docket LR14020  
Order LR14-18**

**IN THE MATTER** of an appeal, under  
Section 25 of the Rental of Residential  
Property Act, by Wayne Richards  
(represented by Randy Pitre) against Order  
LD14-180 of the Director of Residential  
Rental Property, dated June 13, 2014.

**BEFORE THE COMMISSION**  
on Tuesday, the 15th day of July, 2014.

J. Scott MacKenzie, Q.C., Chair  
M. Douglas Clow, Vice-Chair

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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, under Section 25 of the Rental of Residential Property Act, by Wayne Richards (represented by Randy Pitre) against Order LD14-180 of the Director of Residential Rental Property, dated June 13, 2014.

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# Order

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On July 10, 2014, the Commission received a Notice of Appeal from a lessor, Wayne Richards, as represented by Randy Pitre (the Appellant) requesting an appeal of Order LR14-180, dated June 13, 2014. Said Order issued by the Director of Residential Rental Property (the Director) states, in part:

***IT IS THEREFORE ORDERED THAT***

1. ***The lessor [Wayne Richards] shall pay to the lessee [Ayuel Leek Deng] the sum of \$596.45 on or before July 15, 2014.***

Subsections 25(1), 25(3) and 33(3) of the ***Rental of Residential Property Act*** R.S.P.E.I. 1988, Cap. R-13.1 (the ***Act***) read as follows:

25. (1) Any party to a decision or order of the Director, if the party has appeared or been represented at the hearing before the Director, may appeal therefrom by serving on the Commission, ***within twenty days after receipt of the decision or order of the Director***, a notice of appeal in the form prescribed by regulation.

(3) Where an appeal is not made under subsection (1), the parties are deemed to have accepted the decision of the Director and the decision is final. 1988,c.58,s.25; 1990,c.53,s.7; 1991,c.34,s.1,2; 1991,c.18,s.22 {eff.} Nov. 4/91.

33. (3) Where a document is delivered by ordinary mail, it is deemed to have been delivered on the third day after the date of mailing. 1988,c.58,s.33; 1991,c.18,s.22 {eff.} Nov. 4/91.

***[Emphasis added]***

The Commission has disallowed the Appellant's Notice of Appeal as the statutory time period for filing an appeal has expired. The Commission does not have the authority to waive a requirement of the ***Act***.

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**NOW THEREFORE**, pursuant to the *Island Regulatory and Appeals Commission Act* and the *Rental of Residential Property Act*

**IT IS ORDERED THAT**

1. The July 10, 2014 Notice of Appeal filed by Wayne Richards, as represented by Randy Pitre, is hereby disallowed.
2. Order LD14-180 issued by the Director remains in full force and effect.

**DATED** at Charlottetown, Prince Edward Island, this 15th day of July, 2014.

**BY THE COMMISSION:**

(sgd. J. Scott MacKenzie)

J. Scott MacKenzie, Q.C., 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.