



**THE ISLAND REGULATORY AND
APPEALS COMMISSION**

Prince Edward Island
Île-du-Prince-Édouard
CANADA

**Docket LR14045
Order LR14-35**

IN THE MATTER of an appeal filed
under Section 25 of the Rental of Residential
Property Act, filed by Charlene Acorn and
Michael Ross against Order LD14-389 issued
by the Director of Residential Rental
Property on the 18th day of November, 2014.

BEFORE THE COMMISSION

on Wednesday, the 26th day of November,
2014.

John Broderick, Commissioner
Leonard Gallant, Commissioner
Jean Tingley, Commissioner

Order

Compared and Certified a True Copy

(Sgd.) Susan D. Jefferson

Commission Administrator
Corporate Services and Appeals

IN THE MATTER of an appeal filed under Section 25 of the Rental of Residential Property Act, filed by Charlene Acorn and Michael Ross against Order LD14-389 issued by the Director of Residential Rental Property on the 18th day of November, 2014.

Order

BACKGROUND

On November 19, 2014 the Commission received a Notice of Appeal from a lessee, Charlene Acorn on behalf of herself and Michael Ross (the “Appellants”), requesting an appeal of Order LD14-389 dated November 18, 2014 issued by the Director of Residential Rental Property (the “Director”).

By way of background, on November 4, 2014 a lessor, Michel Al-Mayaleh (the “Respondent”) filed with the Director a Form 5 – Application by Lessor For Earlier Termination together with a Form 4 – Notice of Termination by Lessor of Rental Agreement dated October 30, 2014.

The matter was heard by the Director on November 13, 2014 and in Order LD14-389 the Director ordered:

“IT IS THEREFORE ORDERED THAT

- 1. The lessor’s application for earlier termination is valid.*
- 2. The rental agreement between the lessor and the lessees for the residential premises is hereby terminated as of 12:00 noon, Thursday, November 20, 2014. The lessees shall vacate the unit on or before this time and date.*

NOTE: *Where the lessees fail to comply with this Order the lessor may make application without further notice to the lessees for an Order that possession of the residential premises be surrendered to the lessor and directing the Sheriff to put the lessor in possession of the residential premises.”*

The matter was heard by the Commission on November 26, 2014. The Respondent was present. The Appellants did not appear.

EVIDENCE

The Commission heard evidence from the Commission Administrator with respect to service of the Notice of Appeal Hearing upon the parties.

DECISION

The Commission finds that the Appellant Charlene Acorn was personally served with the Notice of Appeal Hearing. In addition, the Commission finds that the Commission Administrator specifically pointed out to Ms. Acorn the date, time and location of the hearing as noted on the Notice of Appeal Hearing.

Having been made aware of the date, time and location of the hearing and having failed to show up for their appeal, the Commission finds that the Appellants have abandoned their appeal and Director's Order LD14-389 continues in full force and effect.

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 has been abandoned by the Appellants.
2. Director's Order LD14-389 continues in full force and effect.

DATED at Charlottetown, Prince Edward Island, this **26th** day of **November, 2014**.

BY THE COMMISSION:

(sgd. John Broderick)

John Broderick, Commissioner

(sgd. Leonard Gallant)

Leonard Gallant, Commissioner

(sgd. Jean Tingley)

Jean Tingley, 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)