



**THE ISLAND REGULATORY AND
APPEALS COMMISSION**

Prince Edward Island
Île-du-Prince-Édouard
CANADA

**Dockets: LR14036 and
LR14038
Order LR15-02**

IN THE MATTER of two appeals, under
Section 25 of the Rental of Residential
Property Act, of Order LD14-344 issued by
the Director of Residential Rental Property
dated October 23, 2014.

BEFORE THE COMMISSION

on Monday, the 12th day of January, 2015.

John Broderick, Commissioner
Michael Campbell, Commissioner
Ferne MacPhail, Commissioner

Order

Compared and Certified a True Copy

(Sgd.) Susan D. Jefferson

Commission Administrator
Corporate Services and Appeals

IN THE MATTER of two appeals, under Section 25 of the Rental of Residential Property Act, of Order LD14-344 issued by the Director of Residential Rental Property dated October 23, 2014.

Order

BACKGROUND

On October 24, 2014 the Commission received a Notice of Appeal (Docket No. LR14036) filed by a lessee, Chad Stordy (“Mr Stordy”) appealing Order LD14-344 issued by the Director of Residential Rental Property (the “Director”) dated October 23, 2014.

On October 28, 2014 the Commission received a Notice of Appeal (Docket No. LR14038) filed by a lessor, Nicholas MacLean Holdings Inc. (“MacLean Holdings”) appealing the same Order LD14-344.

By way of background, on March 24, 2014 Robyn MacLean (Ms. MacLean) on behalf of MacLean Holdings filed with the Director a Form 2 – Application for Enforcement of Statutory or Other Conditions of Rental Agreement dated March 21, 2014 to which was attached a Form 8 – Notice of Intention to Retain Security Deposit dated the same date.

The matter was heard by the Director on July 3, 2014 and Order LD14-344 states as follows:

IT IS THEREFORE ORDERED THAT

- 1. The lessee shall pay the lessor the sum of \$139.94 on or before December 1, 2014.”***

The Commission approved the consolidation of the two appeals and proceeded to a hearing on November 27, 2014. The lessee, Mr. Stordy was present at the hearing. Ms. MacLean represented MacLean Holdings.

EVIDENCE

A summary of the evidence of the parties is found in Order LR15-01. Order LR15-01 is a companion Order to the present Order.

DECISION

The Commission denies appeal docket LR14036 and allows appeal docket LR14038 for reasons stated in the present Order and in Order LR15-01.

In Order LR15-01, the Commission denied Mr. Stordy's appeal and allowed MacLean Holding's appeal. The Commission found that the total claim for MacLean Holdings is \$1196.44. In Order LR15-01, the Commission determined that MacLean Holdings is entitled to a return of the security deposit with interest in the amount of \$901.50.

The present Order addresses the issue of the balance owing by Mr. Stordy to MacLean Holdings. The Commission determines the balance owing to be \$294.94 [\$1196.44 - \$901.50].

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

IT IS ORDERED THAT

1. **Appeal Docket LR14036 is hereby denied.**
2. **Appeal Docket LR14038 is hereby allowed.**
3. **The lessee Chad Stordy shall pay the lessor MacLean Holdings the sum of \$294.94 on or before March 1, 2015.**

DATED at Charlottetown, Prince Edward Island, this **12th** day of **January**, **2015**.

BY THE COMMISSION:

(sgd. John Broderick)

John Broderick, Commissioner

(sgd. Michael Campbell)

Michael Campbell, Commissioner

(sgd. Ferne MacPhail)

Ferne MacPhail, 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)