



**THE ISLAND REGULATORY AND  
APPEALS COMMISSION**

Prince Edward Island  
Île-du-Prince-Édouard  
CANADA

**Docket LR15003  
Order LR15-03**

**IN THE MATTER** of an appeal under  
Section 25 of the Rental of Residential  
Property Act filed by James Carter against  
Order LD15-026 issued by the Director of  
Residential Rental Property dated January  
20, 2015.

**BEFORE THE COMMISSION**

on Tuesday, the 10th day of February, 2015.

John Broderick, Commissioner  
Ferne MacPhail, Commissioner  
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 under Section 25 of the Rental of Residential Property Act filed by James Carter against Order LD15-026 issued by the Director of Residential Rental Property dated January 20, 2015.

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# Order

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## BACKGROUND

On February 2, 2015 the Commission received a Notice of Appeal from a lessee, James Carter (the “Appellant”), requesting an appeal of Order 15-026 dated January 20, 2015 issued by the Director of Residential Rental Property (the “Director”).

By way of background, on January 8, 2015 the lessors, Aldo Di Bacco and Nofa Di Bacco (the “Respondents”) filed with the Director a Form 5 – Application by Lessor For Earlier Termination dated January 6, 2015 together with a Form 4 – Notice of Termination by Lessor of Rental Agreement dated December 31, 2014. As well, the Appellant filed with the Director a Form 6 – Application by Lessee to Set Aside Notice of Termination dated January 8, 2015.

Both applications were heard by the Director on January 19, 2015 and in Order LR15-026 the Director ordered:

***“IT IS THEREFORE ORDERED THAT***

- 1. The lessee’s application to set aside the Notice of Termination dated December 31, 2014 to be effective on January 31, 2014 is not valid.*
- 2. The Notice of Termination dated December 31, 2014 to be effective on January 31, 2015 served to the lessee is valid and the lessee shall vacate the residential premises on or before January 31, 2015.*
- 3. If the lessee fails to vacate the premises on January 31, 2015 in accordance with Paragraph 2 of this Order, then the lessors may apply to the Director without further notice to the lessee for an order directing the Sheriff to put the lessors in possession of the rental premises.”*

The matter was heard by the Commission on February 10, 2015. The Respondent Aldo Di Bacco was present. The Appellant did not appear.

## EVIDENCE

The Commission Administrator read into the record the steps taken to serve the Notice of Hearing upon the Appellant.

## DECISION

The Commission is satisfied that the Appellant was made aware of the date, time and location of his appeal. As the Appellant failed to appear, the Commission deems his appeal to have been abandoned. Accordingly, the appeal is dismissed.

**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 dismissed as the Appellant has abandoned his appeal.**
2. **Director's Order LR15-026 continues in full force and effect.**

**DATED** at Charlottetown, Prince Edward Island, this **10th** day of **February**, 2015.

## BY THE COMMISSION:

(sgd. John Broderick)

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John Broderick, Commissioner

(sgd. Ferne MacPhail)

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Ferne MacPhail, Commissioner

(sgd. Peter McCloskey)

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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)