



**THE ISLAND REGULATORY AND
APPEALS COMMISSION**

Prince Edward Island
Île-du-Prince-Édouard
CANADA

**Docket LR15004
Order LR15-04**

IN THE MATTER of an appeal under
Section 25 of the Rental of Residential
Property Act, by Meaghan Grant against
Order LD15-048 dated February 6, 2015
issued by the Director of Residential Rental
Property.

BEFORE THE COMMISSION
on Friday, the 20th day of February, 2015.

Doug Clow, Vice-Chair
Jean Tingley, 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 an appeal under Section 25 of the Rental of Residential Property Act, by Meaghan Grant against Order LD15-048 dated February 6, 2015 issued by the Director of Residential Rental Property.

Order

BACKGROUND

On February 10, 2015 the Commission received a Notice of Appeal dated the same date signed by a lessee, Meaghan Grant (the “Appellant”) requesting an appeal of Order LD15-048 dated February 6, 2015 issued by the Director of Residential Rental Property.

By way of background, on January 26, 2015 Maurice Roy, on behalf of a lessor, C&H Holdings, LP (the Respondent) filed with the Director a Form 2-Application for Enforcement of Statutory or Other Conditions of Rental Agreement dated January 23, 2015 to which was attached a Form 4 – Notice of Termination by Lessor of Rental Agreement issued to the Appellant dated January 3, 2015.

The matter was heard by the Director on February 4, 2015 and in Order LD15-048 the Director ordered:

“IT IS ORDERED THAT

- 1. Possession of the residential premises be surrendered to the lessor and the Sheriff is directed to put the lessor in possession of the residential premises at 11:00 A.M., Wednesday, February 11, 2015.”*

The matter was originally scheduled to be heard before the Commission on February 17, 2015 but due to inclement weather was rescheduled and heard on February 20, 2015. The Appellant was not present. The Respondent was represented by Shawn Hughes and Maurice Roy.

The Commission heard from Commission staff as to the efforts made to make the Appellant aware of the date, time and location of both the originally scheduled hearing date and the re-scheduled hearing date. The details of such efforts are on the audio record of the hearing.

The Commission finds that all reasonable efforts were made to make the Appellant aware of the date, time and location of the February 20, 2015 hearing.

The Appellant failed to attend the appeal hearing, did not provide Commission staff with any notice that she would not attend and did not send a representative on her behalf. The Commission has therefore determined that the Appellant abandoned her appeal.

Accordingly, Director's Order LD13-056 remains 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 is dismissed as the Appellant has abandoned her appeal.**
2. **Director's Order LD13-056 remains in full force and effect.**
3. **Possession of the residential premises shall be surrendered to the Respondent (lessor) and the Sheriff is directed to put the Respondent in possession of the residential premises at 12 Noon, Friday, February 20, 2015.**

DATED at Charlottetown, Prince Edward Island, this **20th** day of **February, 2015**.

BY THE COMMISSION:

(sgd. Doug Clow)

Doug Clow, Vice-Chair

(sgd. Jean Tingley)

Jean Tingley, 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)