



**THE ISLAND REGULATORY AND  
APPEALS COMMISSION**

Prince Edward Island  
Île-du-Prince-Édouard  
CANADA

**Docket LR14048  
Order LR15-07**

**IN THE MATTER** of an appeal under  
Section 25 of the Rental of Residential  
Property Act, filed by Kathy Wilson against  
Order LD14-418 issued by the Director of  
Residential Rental Property dated December  
4, 2014.

**BEFORE THE COMMISSION**  
on Wednesday, the 8th day of April, 2015.

John Broderick, Commissioner  
Leonard Gallant, Commissioner  
Ferne MacPhail, 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 Kathy Wilson against Order LD14-418 issued by the Director of Residential Rental Property dated December 4, 2014.

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# Order

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## BACKGROUND

On December 8, 2014 the Commission received a Notice of Appeal from a lessee, Kathy Wilson (the “Appellant”), requesting an appeal of Order LD14-418 dated December 4, 2014 issued by the Director of Residential Rental Property (the “Director”).

By way of background, on March 13, 2014, a lessor, Wayne McCarron (the “Respondent”) filed with the Director a Form 2 – Application for Enforcement of Statutory or Other Conditions of Rental Agreement dated the same date seeking remedy by way of a finding that rent is owed and an order that an amount found to be owed be paid.

The matter was heard by the Director on November 4, 2014 and in Order LD14-418 the Director ordered:

***“IT IS THEREFORE ORDERED THAT***

*1. The lessee shall pay to the lessor \$840.00 on or before January 15, 2015.”*

The matter was heard by the Commission on January 6, 2015. Both the Appellant and Respondent were present.

## EVIDENCE

The Appellant testified that she had called the Respondent in mid-February 2014 to give notice that she would be moving out of the premises as of March 1, 2015. The Respondent told her that he preferred one month’s notice and he suggested \$500.00 to settle. The Appellant thought that sum was high as she would be there only two more weeks. In addition, the Respondent began to renovate the premises in March after the Appellant moved out.

The Respondent testified that rent was due the first day of each month. Rent for the premises was \$840.00 per month. He told the Appellant that she must give one month’s notice. He had offered that she could pay \$500.00 but she refused to pay that sum. He noted that no renovations were done in March or April 2014. The premises were only rented short term in May 2014 and then it was rented to students in September of that year.

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## DECISION

The Commission denies the appeal and upholds Director's Order LD14-418 for the reasons that follow.

Section 11.(1), 11.(2.1)(a) and (b), 18.(1) and 18.(2) of the ***Rental of Residential Property Act*** (the ***Act***) together require a signed and dated written notice to terminate be served by a lessee on a lessor on or before the due date for payment of rent and the rental agreement is terminated on the day preceding the day that would otherwise be the next rental payment due date.

In the present appeal, the Appellant failed to follow the requirements of the ***Act***. Accordingly, the Respondent is entitled to \$840.00 in rent for the month of March 2014 in lieu of the statutory written notice to terminate the rental agreement as set out in the ***Act***.

**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 denied.
2. Director's Order LD14-418 is upheld.
3. The Appellant (lessee) shall pay to the Respondent (lessor) the sum of \$840.00. This sum shall be paid in full on or before Friday, May 8, 2015.

**DATED** at Charlottetown, Prince Edward Island, this **8th** day of **April, 2015**.

**BY THE COMMISSION:**

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(sgd. John Broderick)

John Broderick, Commissioner

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(sgd. Leonard Gallant)

Leonard Gallant, Commissioner

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(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)