



**THE ISLAND REGULATORY AND  
APPEALS COMMISSION**

Prince Edward Island  
Île-du-Prince-Édouard  
CANADA

**Docket LR15005  
Order LR15-08**

**IN THE MATTER** of an appeal under  
Section 25 of the Rental of Residential  
Property Act, filed by Lighthouse Assistance  
Inc. against Order LD15-034 issued by the  
Office of the Director of Residential Rental  
Property dated January 26, 2015.

**BEFORE THE COMMISSION**  
on Thursday, the 9th day of April, 2015.

John Broderick, Commissioner  
Douglas Clow, Vice Chair  
Peter McCloskey, 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, filed by Lighthouse Assistance Inc. against Order LD15-034 issued by the Office of the Director of Residential Rental Property dated January 26, 2015.

---

# Order

---

## BACKGROUND

On February 11, 2015 the Commission received a Notice of Appeal from Miller West (“Mr. West”) on behalf of a lessor, Lighthouse Assistance Inc. (the “Appellant”), requesting an appeal of Order LD15-034 dated January 26, 2015 issued by the Director of Residential Rental Property (the “Director”).

By way of background:

- on April 15, 2014 a lessee, John Jarvis (the “Respondent”) filed with the Director an Application for Enforcement of Statutory or Other Conditions of Rental Agreement relevant to the condition of the premises and services have been contravened;
- the Director issued Order LD14-149 dated May 16, 2014 indicating deficiencies to be repaired and that there would be a re-inspection of the unit;
- On June 5, 2014 the Commission received a Notice of Appeal from the Appellant requesting an appeal of Order LD14-149;
- The Commission heard the appeal and in Order LR14-17 dated June 27, 2014 varied the deadline date for repairs and confirming all other respects of Director’s Order LD14-149;
- Two hearings, by way of inspection, were conducted by the Director on August 14, 2014 and January 7, 2015.

The Director issued order LD15-034 dated January 26, 2015, which stated:

***“IT IS THEREFORE ORDERED THAT***

1. *The lessor shall pay the lessee an amount of \$1,100.00 on or before February 18, 2015.*
2. *The lessor shall correct the following deficiencies in order to be in compliance with Sections 6.1. and 6.2. of the Act. **Such work shall be completed as set out below:***

a. **Front door:**

- i. **Ground water leaking:** The lessor shall hire a qualified person to investigate the source of the ground water leaking and carry out the necessary repairs including any finishing work and repairs to the concrete in front of the door. **This work shall be completed within one month of the date of this Order.**
- ii. **Window:** The lessor shall hire a qualified person to replace the sliding window or if necessary replace the door. **This work shall be completed within one month of the date of this Order.**
- iii. **Door hinge:** The lessor shall hire a qualified person to repair the door hinge. **This work shall be completed within one month of the date of this Order.**

b. **Living room:**

- i. **Ceiling:** The lessor shall hire a qualified person to investigate the source of the water leaks and carry out the necessary repairs and also replace the water damaged ceiling tiles. **This work shall be completed within two weeks of the date of this Order.**
- ii. **Room:** The lessor shall carry out the necessary repairs so that this room complies with Public Health Act - Rental Accommodation Regulations. **This work shall be completed within one month of the date of this Order.**

c. **Bedroom:**

- i. **Ceiling:** The lessor shall hire a qualified person to investigate the source of the water leaks and carry out the necessary repairs and also replace the water damaged ceiling tiles. **This work shall be completed within two weeks of the date of this Order.**
- ii. **Window:** The lessor shall replace the window and install an egress window that complies with the National Building Code. **This work shall be completed within one month of the date of this Order.**
- iii. **Laminate floor:** The lessor shall hire a qualified person to investigate the source of the ground water leak and carry out the necessary repairs and also replace the water damaged flooring. **This work shall be completed within one month of the date of this Order.**

d. **Bathroom:**

- i. **Vent:** The lessor shall hire a qualified person to investigate whether the bathroom fan vents to the outside. If the fan does not vent to the outside then the lessor shall carry out the necessary repairs to ensure that it does. **This work shall be completed within three weeks of the date of this Order.**
- ii. **Taps and shower head:** The lessor shall hire a qualified person to investigate whether there is any water damage in the wall and carry out the necessary repairs, replace the taps and shower head and carry out the necessary repairs to ensure that the taps are flush to the wall. **This work shall be completed within three weeks of the date of this Order.**

- e. **Second bedroom (storage room):**
- i. **Room:** *The lessor shall carry out the necessary repairs so that this room complies with Public Health Act - Rental Accommodation Regulations. **This work shall be completed within one month of the date of this Order.***
  - ii. **Window:** *The lessor shall hire a qualified person to carry out the necessary repairs to remove the window and seal off the area to ensure that exhaust fumes cannot enter the room. **This work shall be completed within one month of the date of this Order.***
  - iii. **Vent:** *The lessor shall secure the vent into the ceiling. **This work shall be completed within one month of the date of this Order.***
- f. **The lessor shall file contractor's invoices of the work with the Officer. This shall be filed with the Officer on or before May 29, 2015.**
- g. **The lessor shall not re-rent the unit until all of the items noted previously are rectified.**

*Note: The unit will be re-inspected in May, 2015. A Notice of Inspection will be forwarded to the lessee and the lessor advising of the date and time of the re-inspection”.*

The matter was heard by the Commission on April 8, 2015. The Appellant was represented by Mr. West. The Respondent was also present.

## EVIDENCE

Mr. West read page 102 of the documents on file into the record. He told the Commission that the premises have been stripped, that there is no longer a bathroom and the premises will no longer be used as residential premises. He also stated that the premises would now be used for storage only as he is now aware that the ceilings are too low for residential use.

The Respondent told the Commission that he moved out of the premises in February 2015.

## DECISION

The Commission denies the appeal. Given the well documented past deficiencies of the residential premises, the Commission agrees with the Director's Order LD15-034 that rent shall be returned in the amount of \$1100.00. While Mr. West has stated his intention not to re-rent the premises for residential purposes, the conditions established in Director's Order LD15-034 will remain in force as applicable to residential rental premises.

**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 LD15-034 remains in full force and effect.**

**DATED** at Charlottetown, Prince Edward Island, this **9th** day of **April, 2015**.

**BY THE COMMISSION:**

\_\_\_\_\_  
(sgd. John Broderick)

John Broderick, Commissioner

\_\_\_\_\_  
(sgd. Douglas Clow)

Douglas Clow, Vice Chair

\_\_\_\_\_  
(sgd. Peter McCloskey)

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)