



**THE ISLAND REGULATORY AND
APPEALS COMMISSION**

Prince Edward Island
Île-du-Prince-Édouard
CANADA

**Docket LR15016
Order LR15-13**

IN THE MATTER of an appeal, filed under Section 25 of the Rental of Residential Property Act, by Michelle and Blaine Chandler against Order LD15-145 issued by the Director of Residential Rental Property on April 30, 2015.

BEFORE THE COMMISSION
on Thursday, the 21st day of May, 2015.

John Broderick, Commissioner
Ferne MacPhail, Commissioner
Jean Tingley, Commissioner

Order

Compared and Certified a True Copy

(Sgd.) Susan D. Jefferson

Commission Administrator
Corporate Services and Appeals

IN THE MATTER of an appeal, filed under Section 25 of the Rental of Residential Property Act, by Michelle and Blaine Chandler against Order LD15-145 issued by the Director of Residential Rental Property on April 30, 2015.

Order

BACKGROUND

On May 4, 2015 the Commission received a Notice of Appeal from a lessee, Michelle Chandler on behalf of herself and Blaine Chandler (the “Appellants”), requesting an appeal of Order LD15-145 dated April 30, 2015 issued by the Director of Residential Rental Property (the “Director”).

By way of background, on March 20, 2015 a lessor, Martha Bernard (the “Respondent”) filed with the Director an Application by Lessor for an Order to terminate the rental agreement because the Appellants are habitually and/or persistently late in the payment of rent.

The matter was heard by the Director on April 2, 2015 and in Order LD15-145, the Director ordered:

“IT IS THEREFORE ORDERED THAT

- 1. Provided that the lessees pay the rent for the month of May 2015 on or before May 5, 2015, the rental agreement between the parties shall terminate on May 31, 2015 and the lessees shall vacate the rental premises by 11:59 PM on May 31, 2015.*
- 2. If the lessees fail to pay the rent for the month of May 2015 by May 5, 2015, the rental agreement between the parties shall terminate on May 17, 2015 and the lessees shall vacate the rental premises by 11:59 PM on May 17, 2015.*

NOTE: Where the lessees fail to vacate the rental premises in accordance with this Order, the lessor may make application without further notice to the lessees for an Order that possession of the residential premises be surrendered to the lessor and directing the Sheriff to put the lessor in possession of the residential premises.”

The Commission heard the matter on May 20, 2015. The Appellants were represented by Michelle Chandler. The Respondent participated by telephone conference call and was represented in the hearing room by Glen Fullerton.

EVIDENCE

Ms. Chandler acknowledged that the Appellants were late paying rent on several occasions. Ms. Chandler told the Commission of her personal circumstances and that as a result of this she had much on her mind. Ms. Chandler noted that she had attempted on April 20, 2015 to pay rent for both April and May; however, the Respondent would only accept rent for the month of April.

Ms. Bernard told the Commission that she last received rent on time on November 1, 2014. She has not received the May 2015 rent to date. She did not accept May rent back in April as the proceedings had already been initiated to terminate the rental agreement.

DECISION

The Commission agrees with the reasoning of the Director that the rental agreement should be terminated.

For compassionate reasons the Commission is prepared to allow the Appellants extra notice conditional on rent being fully paid.

Accordingly, provided that the Appellants pay the sum of \$2400.00 [representing rent for May and June 2015] to the Respondent prior to 12 noon of May 31, 2015, the rental agreement between the parties shall terminate on June 30, 2015 and the Appellants shall vacate the rental premises by 11:59 PM on June 30, 2015.

If the Appellants do not pay the sum of \$2400.00 prior to 12:00 noon of May 31, 2015, the rental agreement between the parties shall immediately be terminated and the Appellants shall vacate the rental premises by 11:59 PM on May 31, 2015.

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. Provided that the Appellants pay the sum of \$2400 to the Respondent prior to 12 noon of May 31, 2015, the rental agreement between the parties shall terminate on June 30, 2015 and the Appellants shall vacate the rental premises by 11:59 PM on June 30, 2015.
3. If the Appellants do not pay the sum of \$2400.00 prior to 12:00 noon of May 31, 2015, the rental agreement between the parties shall immediately be terminated and the Appellants shall vacate the rental premises by 11:59 PM on May 31, 2015.
4. In the event the Appellants [lessees] fail to vacate the rental premises in accordance with this Order, the Respondent [lessor] may make application to the Director without further notice to the Appellants [lessees] for an Order that possession of the residential

premises be surrendered to the Respondent lessor and directing the Sheriff to put the Respondent lessor in possession of the residential premises.

DATED at Charlottetown, Prince Edward Island, this **21st** day of **May, 2015**.

BY THE COMMISSION:

(sgd. John Broderick)

John Broderick, Commissioner

(sgd. Ferne MacPhail)

Ferne MacPhail, Commissioner

(sgd. Jean Tingley)

Jean Tingley, 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)