



**THE ISLAND REGULATORY AND  
APPEALS COMMISSION**

Prince Edward Island  
Île-du-Prince-Édouard  
CANADA

**Docket LR15018  
Order LR15-15**

**IN THE MATTER** of an appeal under  
Section 25 of the Rental of Residential  
Property Act, filed by Julie Gaudet and  
Thomas Argon against Order LD15-195  
issued by the Director of Residential Rental  
Property dated June 10, 2015.

**BEFORE THE COMMISSION**  
on Thursday, the 18th day of June, 2015.

John Broderick, Commissioner  
Michael Campbell, Commissioner  
Jean Tingley, 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 Julie Gaudet and Thomas Argon against Order LD15-195 issued by the Director of Residential Rental Property dated June 10, 2015.

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# Order

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## BACKGROUND

On June 11, 2015 the Commission received a Notice of Appeal from two lessees, Julie Gaudet and Thomas Argon (the “Appellants”), requesting an appeal of Order LD15-195 dated June 10, 2015 issued by the Director of Residential Rental Property (the “Director”).

By way of background, on May 19, 2015, the Appellants filed with the Director a Form 6 – Application by Lessee to Set Aside Notice of Termination together with Form 4 – Notice of Termination by Lessor of Rental Agreement dated May 13, 2015 signed by a lessor, Joe Corrigan (the “Respondent”).

The matter was heard by the Director on May 28, 2015 and in Order LD15-195 the Director ordered:

***“IT IS THEREFORE ORDERED THAT***

- 1. The lessees’ application to set aside the Notice of Termination by Lessor of Rental Agreement (Form 6) is denied.*
- 2. The Notice of Termination by Lessor of Rental Agreement (Form 4) dated May 13, 2015 to be effective on June 13, 2015 is valid.*
- 3. The rental agreement between the lessees and the lessor for the residential premises is hereby terminated as of 12:00 midnight, June 13, 2015. The lessees shall vacate the residential premises on or before 12:00 midnight, June 13, 2015.”*

The matter was heard by the Commission on June 18, 2015. The Appellants were present. The Respondent was also present.

## EVIDENCE

The Appellants testified that they need to stay in the premises until the end of June 2015 to find another apartment. They also testified that they paid the rent for all of June 2015.

The Respondent testified that he specifically requested that the Appellants pay rent for only half of June 2015; however, the Appellants paid the full month's rent to the Respondent's office when he was not present. The Respondent told the Commission that if the rental agreement were terminated prior to the end of June 2015 he would return the balance of the June rent on a pro-rated basis.

## **DECISION**

The Commission agrees with the reasoning contained in Director's Order LD15-195. The rental agreement is hereby terminated as of 11:59 p.m. June 19, 2015. The Commission expects the Respondent to return the balance of June 2015 rent on a pro-rated basis.

**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 and Director's Order LD15-195 is confirmed in its entirety, subject to a revised date of termination for the rental agreement.**
2. **The rental agreement between the Appellants (lessees) and the Respondent (lessor) is hereby terminated effective 11:59 p.m. June 19, 2015. The Appellants shall vacate the residential premises on or before 11:59 p.m. June 19, 2015.**
3. **If the Appellants fail to comply with the above terms, the Respondent may make application to the Director without further notice to the Appellants for an Order that possession of the residential premises be surrendered to the Respondent and directing the Sheriff to put the Respondent in possession of the residential premises.**

**DATED** at Charlottetown, Prince Edward Island, this **18th** day of **June**, 2015.

**BY THE COMMISSION:**

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(sgd. John Broderick)

John Broderick, Commissioner

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(sgd. Michael Campbell)

Michael Campbell, Commissioner

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(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)