



**THE ISLAND REGULATORY AND
APPEALS COMMISSION**

Prince Edward Island
Île-du-Prince-Édouard
CANADA

**Docket LR15028
Order LR15-24**

IN THE MATTER of an appeal under
Section 25 of the Rental of Residential
Property Act, filed by Lindsey Casford
against Order LD15-301 issued by the
Director of Residential Rental Property dated
August 13, 2015.

BEFORE THE COMMISSION
on Tuesday, the 25th day of August, 2015.

John Broderick, Commissioner
Douglas Clow, Vice-Chair
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 under Section 25 of the Rental of Residential Property Act, filed by Lindsey Casford against Order LD15-301 issued by the Director of Residential Rental Property dated August 13, 2015.

Order

BACKGROUND

On August 17, 2105 the Commission received a Notice of Appeal from a lessee, Lindsey Casford (the “Appellant”), requesting an appeal of Order LD15-301 dated August 13, 2015 issued by the Director of Residential Rental Property (the “Director”).

By way of background, on August 3, 2015 a lessor, Alan Ford on behalf of himself and Shirley Ford (the “Respondents”) filed with the Director a Form 2 – Application for Enforcement of Statutory or Other Conditions of Rental Agreement dated the same date together with a Form 4 – Notice of Termination by Lessor of Rental Agreement dated July 10, 2015.

The matter was heard by the Director on August 13, 2015 and in Order LD15-301, the Director ordered:

“IT IS THEREFORE ORDERED THAT

- 1. Possession of the residential premises be surrendered to the lessors and the Sheriff is directed to put the lessors in possession of the residential premises at 12:00 noon, Monday, August 17, 2015.”*

The matter was heard by the Commission on August 25, 2015. The Appellant was present. The Appellant’s father Michael Casford was also present. The Respondents were represented by Alan Ford.

EVIDENCE

The Appellant told the Commission that she paid her July rent on August 3, 2015. Her August rent has not been paid and she is not presently able to pay her August rent.

Mr. Ford told the Commission that the Appellant began falling behind in her rent in the spring of 2015.

DECISION

The appeal is denied. The Commission agrees with the findings of the Director in Order LD15-301, subject to a minor variation in the date the Sheriff is directed to put the Respondents in possession.

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. Order LD15-301 is confirmed.
3. Possession of the residential premises located at 50 Keppoch Road in the Town of Stratford, Prince Edward Island shall be surrendered to the Respondents [lessors] Alan and Shirley Ford and the Sheriff is directed to put the Respondents in possession of the residential premises at 12:00 noon, Thursday, August 27, 2015.

DATED at Charlottetown, Prince Edward Island, this **25th** day of **August**, 2015.

BY THE COMMISSION:

(sgd. John Broderick)

John Broderick, Commissioner

(sgd. Douglas Clow)

Douglas Clow, Vice-Chair

(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)