



**THE ISLAND REGULATORY AND
APPEALS COMMISSION**

Prince Edward Island
Île-du-Prince-Édouard
CANADA

**Docket LR15037
Order LR15-35**

IN THE MATTER of an appeal filed
under Section 25 of the Rental of Residential
Property Act by Sarah Nicolle and Cody
Nicolle against Order LR15-124 issued by the
Director of Residential Rental Property on
the 10th day of April, 2015.

BEFORE THE COMMISSION
on Monday, the 16th day of November, 2015.

M. Douglas Clow, Vice-Chair
John Broderick, 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 Sarah Nicolle and Cody Nicolle against Order LR15-124 issued by the Director of Residential Rental Property on the 10th day of April, 2015.

Order

On November 3, 2015, the Commission received a Notice of Appeal from a lessee, Sarah Nicolle on behalf of herself and Cody Nicolle (the “Appellants”). As this Notice of Appeal form is pursuant to section 25 of the **Rental of Residential Property Act**, it would appear that the Appellants have requested an appeal of a previous decision of the Director of Residential Rental Property (the “Director”). However, no copy of a Director’s Order was attached to the Appellants’ Notice of Appeal.

Attached to the Appellants’ Notice of Appeal was a Satisfaction Piece issued by the Supreme Court of Prince Edward Island and signed by a lessor, Hilchie Quality Rentals Inc. (the “Respondent”) dated the 18th day of September, 2015.

Following the receipt of the Notice of Appeal with attached Satisfaction Piece, the Commission was advised by the Director that Order LD15-124 was issued on April 10, 2015. The Commission has reviewed said Order and the parties identified in said Order appear to be the same parties as set out in the Satisfaction Piece.

The appeal is dismissed for the following reasons.

With respect to the Appellants’ apparent attempt to appeal Order LD15-124, the appeal was filed over six months after the Director issued said Order, which is well beyond the statutory time limit set out in subsection 25(1) of the **Rental of Residential Property Act**. Further, the statutory time period to appeal was specifically stated under the heading “NOTICE” on page three of Order LD15-124.

With respect to the Appellants’ inclusion of the Satisfaction Piece with the Notice of Appeal, the Satisfaction Piece was issued by the Supreme Court of Prince Edward Island and the Commission has absolutely no jurisdiction to hear appeals of matters which were previously determined by the Court.

NOW THEREFORE, pursuant to the **Island Regulatory and Appeals Commission Act** and the **Rental of Residential Property Act**

IT IS ORDERED THAT

1. The Commission does not have jurisdiction to hear this appeal.

DATED at Charlottetown, Prince Edward Island, this **16th** day of **November, 2015**.

BY THE COMMISSION:

(sgd. M. Douglas Clow)

M. Douglas Clow, Vice-Chair

(sgd. John Broderick)

John Broderick, 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)