



**THE ISLAND REGULATORY AND
APPEALS COMMISSION**

Prince Edward Island
Île-du-Prince-Édouard
CANADA

**Docket LR16014
Order LR16-11**

IN THE MATTER of an appeal under
Section 25 of the Rental of Residential
Property Act filed by Randy Worth against
Order LD16-142 issued by the Director of
Residential Rental Property dated May 4,
2016.

BEFORE THE COMMISSION
on Thursday, the 19th day of May, 2016.

Douglas Clow, Vice-Chair
Leonard Gallant, Commissioner
Peter McCloskey, Commissioner

Order

Compared and Certified a True Copy

(Sgd.) Susan 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 Randy Worth against Order LD16-142 issued by the Director of Residential Rental Property dated May 4, 2016.

Order

BACKGROUND

On May 6, 2016 the Commission received a Notice of Appeal from a lessee, Randy Worth (the “Appellant”), requesting an appeal of Order LD16-142 dated May 4, 2016 issued by the Director of Residential Rental Property (the “Director”).

By way of background, on April 25, 2016 the lessor, A & M Rentals (the “Respondent”) filed with the Director a Form 2 – Application for Enforcement of Statutory or Other Conditions of Rental Agreement together with a Form 4 – Notice of Termination by Lessor of Rental Agreement dated April 1, 2016.

The matter was heard by the Director on May 4, 2016 and in Order LD16-142 the Director ordered:

“IT IS THEREFORE ORDERED THAT

- 1. Possession of the residential premises be surrendered to the lessor and the Sheriff is directed to put the lessor in possession of the residential premises at 12:00 noon on Tuesday, May 10, 2016.”*

The matter was heard by the Commission on May 19, 2016. The Respondent’s representative, Joe Gallant, was present. The Appellant did not appear.

EVIDENCE

The Commission Administrator read into the record the steps taken to serve the Notice of Hearing upon the Appellant.

DECISION

The Commission is satisfied that the Appellant was made aware of the date, time and location of his appeal. As the Appellant failed to appear, the Commission deems his appeal to have been abandoned. Accordingly, the appeal is dismissed.

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 dismissed as the Appellant has abandoned his appeal.
2. Director's Order LD16-142 continues in full force and effect.

DATED at Charlottetown, Prince Edward Island, this **19th** day of **May**, 2016.

BY THE COMMISSION:

(sgd. Douglas Clow)
Douglas Clow, Vice-Chair

(sgd. Leonard Gallant)
Leonard Gallant, Commissioner

(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)