



**THE ISLAND REGULATORY AND  
APPEALS COMMISSION**

Prince Edward Island  
Île-du-Prince-Édouard  
CANADA

**Docket LR16020  
Order LR16-13**

**IN THE MATTER** of an appeal under  
Section 25 of the Rental of Residential  
Property Act, filed by Ryan Whyatt against  
Order LD16-254 issued by the Director of  
Residential Rental Property dated August 10,  
2016.

**BEFORE THE COMMISSION**  
on Friday, the 9th day of September, 2016.

John Broderick, Commissioner  
Leonard Gallant, Commissioner  
Jean Tingley, Commissioner

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# Order

Compared and Certified a True Copy

(Sgd.) Susan 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 Ryan Whyatt against Order LD16-254 issued by the Director of Residential Rental Property dated August 10, 2016.

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# Order

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## BACKGROUND

On August 22, 2016 the Commission received a Notice of Appeal from a lessee, Ryan Whyatt (the “Appellant”), requesting an appeal of Order LD16-254 dated August 10, 2016 issued by the Director of Residential Rental Property (the “Director”).

By way of background, on July 11, 2016 the Director received 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 June 9, 2016. Both forms were signed by the lessors, Billy MacMaster and Anne MacPhee (the “Respondents”).

The matter was heard by the Director on July 18, 2016 and in Order LD16-254 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 4:00 PM, Wednesday, August 31, 2016.”*

The Commission heard the appeal on September 9, 2016. The Appellant was present. The Respondents were also present.

## EVIDENCE

The Appellant testified that some of what has been said about him is true but the rest is false. He stated that he would like to stay in the residential premises.

The Respondents filed Exhibits E-8 through E-11 at the hearing before the Commission. The Respondents expressed their concerns and requested that the Commission uphold the Director’s Order.

## DECISION

Based on all the evidence, the Commission agrees with the findings of the Director in Order LD16-254. Accordingly, the appeal is denied and Order LD16-254 is upheld, subject to a change in the date of 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 and Director's Order LD16-254 is upheld, subject to a change in the date of possession.**
2. **Possession of the residential premises shall be surrendered to the Respondents [lessors] and the Sheriff is directed to put the Respondents [lessors] in possession of the residential premises at 12:00 noon, Tuesday, September 20, 2016.**

**DATED** at Charlottetown, Prince Edward Island, this **9th** day of **September**, 2016.

**BY THE COMMISSION:**

(sgd. John Broderick)

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John Broderick, Commissioner

(sgd. Leonard Gallant)

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Leonard Gallant, Commissioner

(sgd. Jean Tingley)

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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)