



**THE ISLAND REGULATORY AND  
APPEALS COMMISSION**

Prince Edward Island  
Île-du-Prince-Édouard  
CANADA

**Docket LR17003  
Order LR17-01**

**IN THE MATTER** of an appeal filed under Section 25 of the Rental of Residential Property Act by Tanya MacLean against Order LD17-086 dated March 24, 2017 issued by the Office of the Director of Residential Rental Property.

**BEFORE THE COMMISSION**  
on Thursday, the 6th day of April, 2017.

John Broderick, Commissioner  
M. Douglas Clow, Vice-Chair  
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 filed under Section 25 of the Residential Property Act by Tanya MacLean against Order LD17-086 dated March 24, 2017 issued by the Office of the Director of Residential Rental Property.

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# Order

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## BACKGROUND

On March 30, 2017 the Commission received a Notice of Appeal from a lessee, Tanya MacLean (the “Appellant”), requesting an appeal of Order LD17-086 dated March 24, 2017 issued by the Director of Residential Rental Property (the “Director”).

By way of background, on March 10, the Appellant filed with the Director a Form 6 – Application by Lessee to Set Aside Notice of Termination to which was attached a Form 4 – Notice of Termination by Lessor of Rental Agreement dated March 1, 2017 signed by a lessor, Chris Corrigan (the “Respondent”).

The matter was heard by the Director on March 21, 2017 and in Order LD17-086 the Director ordered:

***“IT IS THEREFORE ORDERED THAT***

- 1. The lessee’s application to set aside the Notice of Termination is dismissed.*
- 2. The Notice of Termination dated March 1, 2017 to be effective April 1, 2017 is valid and the rental agreement between the parties is terminated effective April 1, 2017.*
- 3. The lessee shall vacate the premises on or before April 1, 2017.*
- 4. If the lessee fails to vacate the premises in accordance with paragraph 3 of this Order, then the lessor shall be entitled to apply without further notice to the lessee for an order directing the Sheriff to put the lessor in possession of the premises.”*

The Commission heard the appeal on April 6, 2017. The Appellant was present. Angela Beamish (“Ms. Beamish”) represented the Respondent.

## EVIDENCE

The Appellant testified that the allegations made against her by the Respondent and Ms. Beamish were false and the information presented to the Director was wrong. The Appellant filed photographs, including photographs of text message screens and photographs recording room temperature, as well as a copy of her recent Maritime Electric statement. The Appellant told the Commission that she has paid rent for a new apartment and intends to move out of the residential premises by Monday April 10, 2017. The Appellant told the Commission that she wants an extra five days so she can “get my stuff out and leave”.

Ms. Beamish expanded upon the concerns expressed in documentation previously filed on behalf of the Respondent. Ms. Beamish also filed copies of text messages, a written statement on behalf of the Respondent and her copy of the first page of the rental agreement. Ms. Beamish requested that the Appellant be ordered to leave the residential premises as soon as possible.

## **DECISION**

Upon a review of the documentary evidence before the Commission, as well as having considered the testimony of the Appellant and Ms. Beamish, the Commission finds that the evidence in totality agrees with and indeed supports the findings made by the Director in Director's Order LD17-086.

Accordingly, the Commission upholds Director's Order LD17-086 and the appeal is hereby denied.

**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 hereby denied.
2. Director's Order LD17-086 is confirmed in its entirety.

**DATED** at Charlottetown, Prince Edward Island, this **6th** day of **April, 2017**.

**BY THE COMMISSION:**

\_\_\_\_\_  
(sgd. John Broderick)

John Broderick, Commissioner

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(sgd. M. Douglas Clow)

M. Douglas Clow, Vice-Chair

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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)