



**THE ISLAND REGULATORY AND
APPEALS COMMISSION**

Prince Edward Island
Île-du-Prince-Édouard
CANADA

**Docket LR17005
Order LR17-02**

IN THE MATTER of an appeal filed under Section 25 of the Rental of Residential Property Act by Jatin Thapa against Order LD17-105 dated April 12, 2017 issued by the Office of the Director of Residential Rental Property.

BEFORE THE COMMISSION

on Wednesday, the 26th day of April, 2017.

John Broderick, Commissioner
M. Douglas Clow, Vice-Chair
Jean Tingley, Commissioner

Order

Compared and Certified a True Copy

(Sgd.) Susan 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 Jatin Thapa against Order LD17-105 dated April 12, 2017 issued by the Office of the Director of Residential Rental Property.

Order

BACKGROUND

On April 18, 2017 the Commission received a Notice of Appeal from a lessee, Jatin Thapa (the “Appellant”), requesting an appeal of Order LD17-105 dated April 12, 2017 issued by the Director of Residential Rental Property (the “Director”).

By way of background, on April 4, 2017, the lessors, Kenneth and Jacqueline Webster (the “Respondents”) filed with the Director a Form 2 – Application for Enforcement of Statutory or Other Conditions of Rental Agreement to which was attached a Form 4 – Notice of Termination by Lessor of Rental Agreement dated March 3, 2017

The matter was heard by the Director on April 11, 2017 and in Order LD17-105 the Director ordered:

“IT IS THEREFORE ORDERED THAT

1. *The Sheriff is directed to put the lessors in possession of the rental premises at 11:00 AM on Tuesday, April 17, 2017.”*

The Commission heard the appeal on April 26, 2017. The Appellant was not present. The Respondents were represented by James Webster and Jackie Webster.

EVIDENCE

As the Appellant was not present at the hearing, the Commission Administrator noted on the hearing record the efforts of Commission staff to contact the Appellant in order to inform him of the date, time and location of the hearing, as well as provide him with all associated documentation.

DECISION

The Commission is satisfied that all reasonable efforts to contact the Appellant had been made. Accordingly, the Commission finds that the Appellant has abandoned his appeal and thus Director’s Order LD17-105 remains in full force and effect.

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 has been abandoned by the Appellant.
2. Directors Order LD17-105 remains in full force and effect.

DATED at Charlottetown, Prince Edward Island, this **26th** day of **April**, 2017.

BY THE COMMISSION:

(sgd. John Broderick)

John Broderick, Commissioner

(sgd. M. Douglas Clow)

M. 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)