



**THE ISLAND REGULATORY AND  
APPEALS COMMISSION**

Prince Edward Island  
Île-du-Prince-Édouard  
CANADA

**Docket LR17013  
Order LR17-09**

**IN THE MATTER** of an appeal filed under Section 25 of the Rental of Residential Property Act by Chris Higgins against Order LD17-174 dated July 18, 2017 issued by the Office of the Director of Residential Rental Property.

**BEFORE THE COMMISSION**  
on Thursday, the 31st day of August, 2017.

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 Rental of Residential Property Act by Chris Higgins against Order LD17-174 dated July 18, 2017 issued by the Office of the Director of Residential Rental Property.

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# Order

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## BACKGROUND

On August 4, 2017 the Commission received a Notice of Appeal from a lessor, Chris Higgins (the “Appellant”) requesting an appeal of Order LD17-174 dated July 18, 2017 issued by the Director of Residential Rental Property (the “Director”).

By way of background, on June 13, 2017, a lessee, Lisa Hughes (the “Respondent”), 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 June 6, 2017.

The matter was heard by the Director on June 28, 2017 and in Order LD17-174 the Director ordered:

***“IT IS THEREFORE ORDERED THAT***

1. *The lessee’s application to Set Aside the Notice of Termination by Lessor of Rental Agreement (Form 6) dated June 13, 2017 is allowed and the rental agreement shall continue to be in effect.”*

The Commission heard the appeal on August 30, 2017. Both the Appellant and Respondent were present. Donald MacAusland, Daniel Turnbull and Sydney Tuplin testified for the Appellant. Scott Ryan testified for the Respondent.

## EVIDENCE

The Appellant testified with respect to the matter and called his three witnesses to support his position. The Appellant submitted that Scott Ryan (“Mr. Ryan”) was prohibited and barred from the residential premises and the rental agreement should be terminated as the Respondent allowed Mr. Ryan to access her unit within the residential premises.

The Respondent acknowledged that Mr. Ryan resides in the unit on a part-time basis. The Respondent called Mr. Ryan as a witness to support her position.

## DECISION

After having reviewed the documents, evidence and submissions provided by the parties, the Commission agrees with the findings and determination made by the Director. Accordingly, the Commission upholds Director's Order LD17-174 in its entirety.

**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.
2. Director's Order LD17-174 is hereby confirmed.

**DATED** at Charlottetown, Prince Edward Island, this **31st** day of **August**, 2017.

**BY THE COMMISSION:**

(sgd. M. Douglas Clow)

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M. Douglas Clow, Vice-Chair

(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)