



**THE ISLAND REGULATORY AND
APPEALS COMMISSION**

Prince Edward Island
Île-du-Prince-Édouard
CANADA

**Docket LR17023
Order LR17-22**

IN THE MATTER of an appeal filed under Section 25 of the Rental of Residential Property Act by Kevin Jay and Samantha Cheverie against Order LD17-279 dated November 16, 2017 issued by the Office of the Director of Residential Rental Property.

BEFORE THE COMMISSION
on Friday, the 8th day of December, 2017.

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 Kevin Jay and Samantha Cheverie against Order LD17-279 dated November 16, 2017 issued by the Office of the Director of Residential Rental Property.

Order

BACKGROUND

On November 29, 2017 the Commission received a Notice of Appeal from two lessees, Kevin Jay and Samantha Cheverie (the “Appellants”) requesting an appeal of Order LD17-279 dated November 16, 2017 issued by the Director of Residential Rental Property (the “Director”).

By way of background, on November 3, 2017, a lessor, Kim Burt, on behalf of herself and Bryan Burt (collectively the “Respondents”), filed with the Director an Application by Lessor for an Order seeking termination of a rental agreement because the lessees are persistently and/or habitually late in the payment of rent.

The matter was heard by the Director on November 14, 2017 and in Order LD17-279 the Director ordered:

“IT IS THEREFORE ORDERED THAT

- 1. The rental agreement between the lessors and the lessees for the residential premises is terminated as of 12:00 midnight on November 30, 2017.*
- 2. The lessees shall vacate the residential premises on or before 12:00 midnight on November 30, 2017.*
- 3. If the lessees fail to vacate the premises in accordance with paragraph 2 of this Order, then the lessors shall be entitled to apply without further notice to the lessees for an order directing the Sheriff to put the lessors in possession of the residential premises.”*

The Commission heard the appeal on December 8, 2017. The Appellants were not present. The Respondents were present.

EVIDENCE

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

DECISION

The Commission is satisfied that all reasonable efforts to contact the Appellants have been made. Accordingly, the Commission finds that the Appellants have abandoned their appeal and thus Director's Order LD17-279 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 Appellants.
2. Director's Order LD17-279 remains in full force and effect.

DATED at Charlottetown, Prince Edward Island, this **8th** day of **December**, **2017**.

BY THE COMMISSION:

(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)