



**THE ISLAND REGULATORY AND
APPEALS COMMISSION**

Prince Edward Island
Île-du-Prince-Édouard
CANADA

**Docket LR18004
Order LR18-03**

IN THE MATTER of an appeal filed under Section 25 of the Rental of Residential Property Act by Candice Turner against Order LD18-027 dated January 24, 2018 issued by the Office of the Director of Residential Rental Property.

BEFORE THE COMMISSION

on **, the 16th day of February, 2018.

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 Candice Turner against Order LD18-027 dated January 24, 2018 issued by the Office of the Director of Residential Rental Property.

Order

BACKGROUND

On February 9, 2018 the Commission received a Notice of Appeal from a lessee, Candice Turner (the “Appellant”), requesting an appeal of Order LD18-027 dated January 24, 2018 issued by the Director of Residential Rental Property (the “Director”).

By way of background, on January 12, 2018, a lessor, Nicolas MacLean Holdings Inc. (the “Respondent”) filed with the Director a Form 2 – Application for Enforcement of Statutory or Other Conditions of Rental Agreement seeking remedy by way of an Order to authorize the termination of the rental agreement and an Order that possession of the residential premises be surrendered to the lessor and directing the Sheriff to put the lessor in possession. Attached to the Form 2 was a Form 4 – Notice of Termination by Lessor of Rental Agreement dated December 8, 2017.

The matter was heard by the Director on January 22, 2018 and in Order LD18-027 the Director ordered:

“IT IS THEREFORE ORDERED THAT

- 1. Possession of the residential premises be surrendered to the lessor and the Sheriff is directed to put the lessor in possession of the residential premises at 2:00 PM on January 31, 2018.”*

The Commission heard the appeal on February 16, 2018. The Appellant was not present. The Respondent was represented by Cody MacDonald (“Mr. MacDonald”).

EVIDENCE

On the morning of the hearing the Appellant advised Commission staff via telephone that she was likely to be late for the hearing. The Commission delayed the commencement of the hearing for over one hour and instructed Commission staff to attempt to further contact the Appellant by telephone and email. The Appellant did not respond to these attempts to contact her while the Commission was waiting.

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 her of the date, time and location of the hearing, as well as provide her with all associated documentation.

DECISION

The Commission is satisfied that all reasonable efforts to contact the Appellant have been made. Accordingly, the Commission finds that the Appellant has abandoned her appeal and thus Director's Order LD18-027 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. **Director's Order LD18-027 remains in full force and effect.**

DATED at Charlottetown, Prince Edward Island, this **16th** day of **February**, 2018.

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)