



**THE ISLAND REGULATORY AND  
APPEALS COMMISSION**

Prince Edward Island  
Île-du-Prince-Édouard  
CANADA

**Docket LR18014  
Order LR18-11**

**IN THE MATTER** of an appeal under  
Section 25 of the Rental of Residential  
Property Act filed by Michael Gaudet against  
Order LD18-150 dated May 2, 2018 issued by  
the Director of Residential Rental Property.

**BEFORE THE COMMISSION**  
on Thursday, the 24th day of May, 2018.

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 under Section 25 of the Rental of Residential Property Act filed by Michael Gaudet against Order LD18-150 dated May 2, 2018 issued by the Director of Residential Rental Property.

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# Order

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## BACKGROUND

On May 15, 2018 the Commission received a Notice of Appeal from a lessee, Michael Gaudet (the “Appellant”), requesting an appeal of Order LD18-150 dated May 2, 2018 issued by the Director of Residential Rental Property (the “Director”).

By way of background, on April 23, 2018 a lessor, Diane MacKenzie on behalf of herself and Eddie MacKenzie (collectively the “Respondents”) filed with the Director a Form 2 – Application for Enforcement of Statutory or Other Conditions of Rental Agreement seeking 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 April 2, 2018.

The matter was heard by the Director on May 1, 2018 and in Order LD18-150 the Director ordered:

***“IT IS THEREFORE ORDERED THAT***

1. *Possession of the residential premises be surrendered to the lessors and the Sheriff is directed to put the lessors in possession of the residential premises by 2:00 p.m. on Tuesday, May 8, 2018.”*

The Commission heard the appeal on May 24, 2018. The Appellant was not present. The Respondents were present.

## EVIDENCE

The Commission Administrator informed the Commission of communication between Commission staff and the Appellant.

## DECISION

The Commission finds that the Appellant was made aware of the date, time and location of the hearing. As the Appellant failed to attend his own appeal, the Commission finds that he has abandoned the appeal.

The appeal is hereby deemed to have been abandoned and Director’s Order LD18-150 remains in full and immediate 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 Appellant has abandoned his appeal.
2. Director's Order LD18-150 remains in full and immediate force and effect.

**DATED** at Charlottetown, Prince Edward Island, this **24th** day of **May, 2018**.

**BY THE COMMISSION:**

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(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)