



**THE ISLAND REGULATORY AND
APPEALS COMMISSION**
Prince Edward Island
Île-du-Prince-Édouard
CANADA

Docket: LR18017
Order: LR18-15

IN THE MATTER of an appeal, under Section 25 of the Rental of Residential Property Act, by Carrie MacKinnon, represented by herself against Order **LD18-166**, issued by the Director of Residential Rental Property and dated **May 22, 2018**.

BEFORE THE COMMISSION ON Tuesday, May 29, 2018.

ORDER

Compared and Certified a True Copy

(Sgd.) Susan Jefferson

Commission Administrator
Corporate Services and Appeals

IN THE MATTER of an appeal, under Section 25 of the Rental of Residential Property Act, by Carrie MacKinnon, represented by herself against Order **LD18-166**, issued by the Director of Residential Rental Property and dated **May 22, 2018**.

Order

WHEREAS this matter was scheduled for hearing before the Commission on May 29, 2018;

AND WHEREAS the Appellant failed to appear at the hearing;

AND WHEREAS the record confirms that the Appellant received notice of the date and time of the hearing by the following:

- May 24, 2018 telephone call – spoke in person. Appellant advised of date and time and Appellant asked to pick up documents. The Appellant informed Commission staff she would pick up documents.
- May 28, 2018 telephone call – voicemail reminder message.
- May 28, 2018 email attaching documents as documents had not been picked up.
- May 29, 2018 telephone call – voicemail reminder message.

AND WHEREAS the Commission is satisfied that the Appellant received notice of the date and time of the hearing;

AND WHEREAS pursuant to Rule 27 of the *Rules of Practice and Procedure for Hearings*, the Commission is empowered to deem an appeal abandoned where an appellant or applicant fails to attend a hearing;

IT IS ORDERED THAT:

1. **The proceeding is hereby dismissed as abandoned.**
2. **Director's Order LD18-166 remains in full force and effect.**

DATED at Charlottetown, Prince Edward Island, **Tuesday, May 29, 2018.**

(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*** provides 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

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 two (2) years.