



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

Docket: LR18022
Order: LR18-24

IN THE MATTER of an appeal, under Section 25 of the Rental of Residential Property Act, by Blaine Scanlon and Nikki Scanlon, represented by themselves against Order **LD18-178**, issued by the Director of Residential Rental Property and dated **June 1, 2018**.

BEFORE THE COMMISSION ON Thursday, August 9, 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 Blaine Scanlon and Nikki Scanlon, represented by themselves against Order **LD18-178**, issued by the Director of Residential Rental Property and dated **June 1, 2018**.

Order

WHEREAS this matter was originally scheduled for hearing before the Commission on July 12, 2018;

AND WHEREAS the Commission re-scheduled the hearing to August 9, 2018 as the Appellants were not aware of the original hearing date;

AND WHEREAS the Appellants failed to appear at the hearing on August 9, 2018;

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

- July 17, 2018 email attaching a Revised Notice of Appeal Hearing advising the Appellants that the hearing would be held on August 9, 2018.

AND WHEREAS the Commission is satisfied that the Appellants 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 LD18-178 remains in full force and effect and the remedy referred to in said Order is now due and payable.**

DATED at Charlottetown, Prince Edward Island, Thursday, August 9, 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.