



**THE ISLAND REGULATORY AND
APPEALS COMMISSION**

Prince Edward Island
Île-du-Prince-Édouard
CANADA

**Docket LR18032
Order LR18-26**

IN THE MATTER of an appeal under
Section 25 of the Rental of Residential
Property Act filed by Steve Wotton against
Order LD18-270 dated August 23, 2018 issued
by the Director of Residential Rental Property.

BEFORE THE COMMISSION
on Thursday, the 30th day of August, 2018.

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 under Section 25 of the Rental of Residential Property Act filed by Steve Wotton against Order LD18-270 dated August 23, 2018 issued by the Director of Residential Rental Property.

Order

BACKGROUND

On August 27, 2018 the Commission received a Notice of Appeal from a lessee, Steve Wotton (the “Appellant”), requesting an appeal of Order LD18-270 dated August 23, 2018 issued by the Director of Residential Rental Property (the “Director”).

By way of background, on August 10, 2018 a lessor, Bob Doiron (the “Respondent”) 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 July 9, 2018.

The matter was heard by the Director on August 23, 2018 and in Order LD18-270 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 on Wednesday, August 29, 2018 at 12:00 noon.”*

The Commission heard the appeal on August 30, 2018. Both the Appellant and Respondent were present.

EVIDENCE

The Appellant testified that up until July he only had a handful of guests. He testified that he lives alone with his dog, but he does have guests over.

The Respondent testified that the Appellant’s guests are disturbing the quiet enjoyment of the other tenants in the building.

DECISION

The appeal is denied and Director’s Order LD18-270 is confirmed in its entirety.

The Commission finds that the Appellant did not file a Form 6 Application by Lessee to Set Aside Notice of Termination within ten days of receiving the July 9, 2018 Form 4 Notice of Termination. Pursuant to subsection 16.(3) of the ***Rental of Residential Property Act***, the Appellant is thereby “...deemed to have accepted the termination on the effective date of the notice.”

The Commission agrees with all of the findings of the Director contained in Order LD18-270.

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 is denied.**
- 2. Director’s Order LD18-270 is confirmed in its entirety.**

DATED at Charlottetown, Prince Edward Island, this **30th** day of **August, 2018**.

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)