



**THE ISLAND REGULATORY AND
APPEALS COMMISSION**

Prince Edward Island
Île-du-Prince-Édouard
CANADA

Docket: LR18033

Order: LR18-27

IN THE MATTER of an appeal, under Section 25 of the Rental of Residential Property Act, by Kim Graham, represented by herself against Order **LD18-265** issued by the Director of Residential Rental Property and dated **August 22, 2018**.

BEFORE THE COMMISSION ON Friday,
September 7, 2018.

ORDER

Compared and Certified a True Copy

(Sgd.) Collette Vessey

Executive Secretary
Corporate Services and Appeals

IN THE MATTER of an appeal, under Section 25 of the Rental of Residential Property Act, by Kim Graham, represented by herself against Order **LD18-265**, issued by the Director of Residential Rental Property and dated **September 7, 2018**.

Order

WHEREAS this matter was scheduled for hearing before the Commission on September 7, 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:

- August 29, 2018 email to the Appellant. Appellant advised of date and time and a PDF of the Notice of Appeal Hearing was referenced and attached to the email.
- August 29, 2018 letter mailed to the Appellant advising of the date and time of the hearing and enclosing all documents for the appeal.
- September 6, 2018 email to the Appellant reminding her of the date and time of the hearing and providing attached PDFs of all documents. The Appellant responded to this email indicating “I am going”.

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 LD18-265 remains in full force and effect.**

DATED at Charlottetown, Prince Edward Island, **Friday, September 7, 2018.**

M. Douglas Clow, Vice-Chair

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.