



**THE ISLAND REGULATORY AND
APPEALS COMMISSION**

Prince Edward Island
Île-du-Prince-Édouard
CANADA

**Docket LR18021
Order LR18-29**

IN THE MATTER of an appeal under
Section 25 of the Rental of Residential
Property Act filed by MacDonald's Quality
Housing Ltd. against Order LD18-168 dated
May 25, 2018 issued by the Director of
Residential Rental Property.

BEFORE THE COMMISSION

on Wednesday, the 26th day of September,
2018.

John Broderick, Commissioner
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 MacDonald's Quality Housing Ltd. against Order LD18-168 dated May 25, 2018 issued by the Director of Residential Rental Property.

Order

BACKGROUND

On June 18, 2018 the Commission received a Notice of Appeal from Leslie MacDonald ("Mr. MacDonald"), on behalf of a lessor, MacDonald's Quality Housing Ltd. (the "Appellant"), requesting an appeal of Order LD18-168 dated May 25, 2018 issued by the Director of Residential Rental Property (the "Director").

By way of background, on April 7, 2017 Mr. MacDonald, on behalf of the Appellant, filed with the Director a Form 2 – Application for Enforcement of Statutory or Other Conditions of Rental Agreement seeking a finding that rent is owed and an order that an amount found to be owed be paid.

The matter was heard by the Director on May 18, 2018 and in Order LD18-168 the Director ordered:

"IT IS THEREFORE ORDERED THAT

1. *The lessor's application for rent owing is dismissed."*

The Commission heard the appeal on September 25, 2018. The Appellant was represented by Mr. MacDonald. Robyn Kamps (formerly known as Robyn Travis) (the "Respondent") was also present.

EVIDENCE

Following the filing of the appeal, the Respondent filed printouts of e-transfers (Exhibit E-8) and the Appellant filed copies of deposit slips (Exhibit E-9). On the day of the hearing the Respondent filed Exhibits E-11 and E-12.

Mr. MacDonald and the Respondent testified briefly at the hearing. The Respondent acknowledged that she owed two months rent plus the cost to fill the oil tank in January 2015. She offered to pay \$900.00 for each of the two months plus \$900.00 for the cost of oil provided that her \$500.00 deposit was returned to her. Mr. MacDonald agreed to accept this offer.

DECISION

The appeal is allowed for the reason that follows.

At the hearing, the parties came to an agreement on rent owed. The Commission finds this agreement to consist of:

\$900.00 for February 2017 rent
\$900.00 for March 2017 rent
\$900.00 for oil

\$2700.00

- \$500.00 for return of deposit

\$2200.00 agreed rent and oil cost owing

The Commission hereby orders the Respondent to pay the sum of \$2200.00 not later than March 31, 2019.

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 allowed.
2. The parties agreed that the Respondent pay the Appellant the sum of \$2200.00.
3. The Respondent shall pay the Appellant the sum of \$2200.00 not later than March 31, 2019.

DATED at Charlottetown, Prince Edward Island, this **26th** day of **September**, 2018.

BY THE COMMISSION:

(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** 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)