



**THE ISLAND REGULATORY AND
APPEALS COMMISSION**

Prince Edward Island
Île-du-Prince-Édouard
CANADA

**Docket LR18044
Order LR18-37**

IN THE MATTER of an appeal under
Section 25 of the Rental of Residential
Property Act by Nanci Paquet (aka Nancy
Paquet) against Order LD18-317 dated
October 9, 2018 issued by the Director of
Residential Rental Property.

BEFORE THE COMMISSION

on Thursday, the 18th day of October, 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 by Nanci Paquet (aka Nancy Paquet) against Order LD18-317 dated October 9, 2018 issued by the Director of Residential Rental Property.

Order

BACKGROUND

On October 15, 2018 the Commission received a Notice of Appeal dated the same date signed by a lessee, Nanci Paquet (aka Nancy Paquet) (the “Appellant”) requesting an appeal of Order LD18-317 dated October 9, 2018 issued by the Director of Residential Rental Property (the Director).

By way of background, on October 1, 2018 a lessor, Smith Foods Ltd. (the “Respondent”) filed with the Director a Form 2 – Application for Enforcement of Statutory or Other Conditions of Rental Agreement to which was attached a Form 4 – Notice of Termination by Lessor of Rental Agreement dated July 16, 2018.

The matter was heard by the Director on October 5, 2018 and in Order LD18-317 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 by Monday, October 15, 2018 at 12:00 noon.”**

The Commission heard the appeal on October 18, 2018. The Appellant testified by telephone. Karen Carragher (“Ms. Carragher”) testified by telephone on the Appellant’s behalf. The Respondent was represented by Wayne Smith (“Mr. Smith”).

EVIDENCE

The Appellant and Ms. Carragher presented their testimony to the Commission.

The Respondent filed Exhibit E-10, a Maritime Electric bill for the period September 4 to October 2, 2018. He presented his testimony to the Commission.

DECISION

The appeal is denied.

After hearing the testimony of the parties, the Commission agrees with and adopts the reasons and findings set out in Order LD18-317. Accordingly, the Commission upholds Director's Order LD18-317.

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 LD18-317 is confirmed in its entirety.

DATED at Charlottetown, Prince Edward Island, this **18th** day of **October**, **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)