



**THE ISLAND REGULATORY AND
APPEALS COMMISSION**

Prince Edward Island
Île-du-Prince-Édouard
CANADA

**Docket LR18048
Order LR18-44A
AMENDED**

IN THE MATTER of an appeal filed under Section 25 of the Rental of Residential Property Act by Norman Savoie against Order LD18-335 dated November 5, 2018 issued by the Office of the Director of Residential Rental Property.

BEFORE THE COMMISSION

on Thursday, the 22nd day of November, 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 filed under Section 25 of the Rental of Residential Property Act by Norman Savoie against Order LD18-335 dated November 5, 2018 issued by the Office of the Director of Residential Rental Property.

Order

BACKGROUND

On November 7, 2018 the Commission received a Notice of Appeal from a lessee, Norman Savoie (the “Appellant”), requesting an appeal of Order LD18-335 dated November 5, 2018 issued by the Director of Residential Rental Property (the “Director”).

By way of background, on October 12, 2018 the Appellant filed with the Director a Form 6 – Application by Lessee to Set Aside Notice of Termination. Attached to the Form 6 was a Form 4 – Notice of Termination by Lessor of Rental Agreement dated October 10, 2018, to be effective October 30, 2018 signed by the lessor, Hilltop Motel and Lodge Inc. (“the Respondent”).

The matter was heard by the Director on October 29, 2018 and in Order LD18-335 the Director ordered:

“IT IS THEREFORE ORDERED THAT

- 1. The lessee’s application to set aside the Notice of Termination is dismissed.*
- 2. The Notice of Termination dated October 10, 2018 with the proper effective date of November 10, 2018 is valid and the rental agreement between the lessor and the lessees is terminated as of 12:00 midnight on November 10, 2018.*
- 3. The lessee shall vacate the residential premises on or before 12:00 midnight on November 10, 2018.”*

The Commission heard the appeal on November 22, 2018. The Appellant was present along with his representative Kim Murray. The Respondent was represented by Ruth Zhang (“Ms. Zhang”).

EVIDENCE

The Appellant testified that he is moving out of the residential unit

Ms. Zhang read into the record a November 22, 2018 letter to the Commission which provided a chronology of events and identified the Respondent’s concerns.

DECISION

Upon a review of the exhibits and upon hearing the testimony of the parties, the Commission fully agrees with the findings made by the Director in Order LD18-335.

Accordingly, the appeal is denied and Director's Order LD18-335 is upheld in its entirety.

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 LD18-335 remains in full force and effect.

DATED at Charlottetown, Prince Edward Island, this **22nd** day of **November**, **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)