



**THE ISLAND REGULATORY AND
APPEALS COMMISSION**

Prince Edward Island
Île-du-Prince-Édouard
CANADA

**Docket LR18050
Order LR18-45**

IN THE MATTER of an appeal filed under Section 25 of the Rental of Residential Property Act by Siping Li against Order LD18-329 dated October 31, 2018 issued by the Office of the Director of Residential Rental Property.

BEFORE THE COMMISSION

on Monday, the 17th day of December, 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 Siping Li against Order LD18-329 dated October 31, 2018 issued by the Office of the Director of Residential Rental Property.

Order

BACKGROUND

On November 20, 2018 the Commission received a Notice of Appeal from Chao Ren (“Mr. Ren”) on behalf of a lessor, Siping Li (the “Appellant”), requesting an appeal of Order LD18-329 dated October 31, 2018 issued by the Director of Residential Rental Property (the “Director”).

By way of background, on October 15, 2018 a lessee, Yuqi Kong (the “Respondent”) 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 13, 2018, to be effective November 12, 2018.

The matter was heard by the Director on October 24, 2018 and in Order LD18-329 the Director ordered:

“IT IS THEREFORE ORDERED THAT

- 1. The lessee’s application to set aside the Notice of Termination by Lessor of Rental Agreement (Form 6) is allowed and the rental agreement shall continue to be in full force and effect.”*

The Commission heard the appeal on December 11, 2018. The Appellant was not present but he was represented by Mr. Ren. The Respondent was present and Qianying Wang (“Ms. Wang”) testified on her behalf.

EVIDENCE

Mr. Ren spoke at length, referring to the documents on file, new documents presented at the hearing, offering testimony of his own observations and observations told to him by the Appellant.

The Respondent and Ms. Wang also spoke at length, referred to the documents on file, new documents presented at the hearing and offered testimony of their own observations.

DECISION

The appeal is denied.

While the hearing was lengthy, the evidence does not warrant a reversal or variance of Director's Order LD18-329 and accordingly the Commission confirms said Order.

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 LD18-329 is confirmed in its entirety.

DATED at Charlottetown, Prince Edward Island, this **17th day of December, 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)