



**THE ISLAND REGULATORY AND
APPEALS COMMISSION**

Prince Edward Island
Île-du-Prince-Édouard
CANADA

**Docket LR19022
Order LR19-19**

IN THE MATTER of an appeal filed under Section 25 of the Rental of Residential Property Act (the "Act") filed by Lihong Gou against Order LD19-174 dated May 3, 2019 issued by the Director of Residential Rental Property.

BEFORE THE COMMISSION
on Wednesday, the 12th day of June, 2019.

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 (the "Act") filed by Lihong Gou against Order LD19-174 dated May 3, 2019 issued by the Director of Residential Rental Property.

Order

BACKGROUND

On May 14, 2019 the Commission received a Notice of Appeal from a lessor, Lihong Gou (the "Appellant"), requesting an appeal of Order LD19-174 dated May 3, 2019 issued by the Director of Residential Rental Property (the "Director").

By way of background, on April 17, 2019 a lessee, Yue Yang (the "Respondent") filed with the Director a Form 2 - Application for Enforcement of Statutory or Other Conditions of Rental Agreement believing that Statutory Condition 6.1 relevant to the condition of the premises has been contravened and requesting a finding that rent in the amount of \$80.00 is owed and an order that an amount found to be owed be paid.

The matter was heard by the Director on April 29, 2019 and in Order LD19-174 the Director ordered:

"IT IS THEREFORE ORDERED THAT

- 1. The lessor shall pay to the lessee \$80.00 on or before May 31, 2019."*

The Commission heard the appeal on June 12, 2019. The Appellant was present accompanied by her translator Si Chen. The Respondent was also present.

EVIDENCE

The Appellant testified that she first became aware that there was no heat and hot water on the night of April 9, 2019. She testified as to the steps she took to remedy the lack of heat and hot water. She explained that on the night of April 12, 2019 the problem was repaired and the heat and hot water came back on.

The Respondent, referencing a portion of Exhibit E-7 containing a WeChat messaging conversation between himself and the Appellant, explained that April 9 was the second day without heat and hot water.

DECISION

The appeal is denied and Director's Order LD19-174 is confirmed.

The Commission agrees with the findings and decision of the Director. The Respondent was without heat and hot water for a period of four days and a return of rent in the amount of \$80.00 is fully justified. The Appellant (lessor) shall immediately pay the sum of \$80.00 to the Respondent (lessee) as this sum is now past due.

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 LD19-174 is confirmed.**

DATED at Charlottetown, Prince Edward Island, this **12th** day of **June, 2019**.

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)