



**THE ISLAND REGULATORY AND
APPEALS COMMISSION**

Prince Edward Island
Île-du-Prince-Édouard
CANADA

**Docket LR19029
Order LR19-22**

IN THE MATTER of an appeal filed
under Section 25 of the Rental of Residential
Property Act by Gordon Campbell against
Order LD19-257 dated June 19, 2019 issued by
the Office of the Director of Residential Rental
Property.

BEFORE THE COMMISSION

on Wednesday, the 26th 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 by Gordon Campbell against Order LD19-257 dated June 19, 2019 issued by the Office of the Director of Residential Rental Property.

Order

BACKGROUND

On June 21, 2019 the Commission received a Notice of Appeal from a lessee, Gordon Campbell (the “Appellant”), requesting an appeal of Order LD19-257 dated June 19, 2019 issued by the Director of Residential Rental Property (the “Director”).

By way of background, on June 5, 2019 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 May 31, 2019, 2019 signed by a lessor by way of sublet, Chasity Affleck (the “Respondent”).

The matter was heard by the Director on June 13, 2019 and in Order LD19-257 the Director ordered:

“IT IS THEREFORE ORDERED THAT

- 1. The lessee’s Application by Lessee to Set Aside Notice of Termination (Form 6) dated June 5, 2019 is dismissed.*
- 2. The lessor’s Notice of Termination by Lessor of Rental Agreement (Form 4) dated May 31, 2019 for effect June 30, 2019 is valid.*
- 3. The rental agreement between the parties shall terminate as of June 30, 2019 and the lessee shall vacate the premises by 11:59 p.m. on that date.*
- 4. If the lessee fails to vacate the premises in accordance with Paragraph 3 of this Order, then the lessor shall be entitled to apply without further notice to the lessee for an Order directing the Sheriff to put the lessor in possession of the premises.*
- 5. All other terms and conditions of the rental agreement, including the payment of rent, shall remain in effect.”*

The Commission heard the appeal on June 26, 2019. The Appellant was present. The Respondent was present and was accompanied by her witnesses, Krystal Hickox, Charlotte Macdonald, Melissa Chandler and Byron Veinot.

EVIDENCE

The Appellant provided additional evidence and testified at length as to the circumstances of the matters giving rise to this appeal.

The Respondent provided additional evidence and she and her witnesses testified at length as to the circumstances giving rise to this appeal.

DECISION

The appeal is denied and Director's Order LD19-257 is confirmed.

The Commission has reviewed all the evidence and testimony presented at the hearing. The Commission agrees with and adopts the findings, reasoning and the outcome provided in Director's Order LD19-257.

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 LD19-257 is confirmed.

DATED at Charlottetown, Prince Edward Island, this **26th 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.