



**THE ISLAND REGULATORY AND
APPEALS COMMISSION**

Prince Edward Island
Île-du-Prince-Édouard
CANADA

**Docket LR190053
Order LR19-35**

IN THE MATTER of an appeal under
Section 25 of the Rental of Residential
Property Act (the "Act") filed by Steven Brown
against Order LD19-390 dated August 28,
2019 issued by the Director of Residential
Rental Property.

BEFORE THE COMMISSION

on Monday, the 23rd day of September, 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 under Section 25 of the Rental of Residential Property Act (the "Act") filed by Steven Brown against Order LD19-390 dated August 28, 2019 issued by the Director of Residential Rental Property.

Order

BACKGROUND

On August 29, 2019 the Commission received a Notice of Appeal from a lessor, Steven Brown (the "Appellant"), requesting an appeal of Order LD19-390 dated August 28, 2019 issued by the Director of Residential Rental Property (the "Director").

By way of background, on June 28, 2019 the Appellant filed with the Director a Form 12 – Application by Lessor for Approval of Rent Increase Exceeding Percentage Allowed by Regulation as well as a Form 10 – Notice of Increase in Rent of Residential Premises addressed to a former lessee.

The matter was heard by the Director on August 13, 2019 and in Order LD19-390 dated August 28, 2019 the Director ordered:

"IT IS THEREFORE ORDERED THAT

1. *The maximum allowable rent for the residential premises located at 2525 Winsloe Road, Oyster Bed Bridge, PE shall increase effective October 1, 2019 as follows:*
 - *From \$800.00 to \$930 per month.*
2. *The future lessee(s) of 2525 Winsloe Road, Oyster Bed Bridge, PE, will also be responsible for the payment of their own propane heat."*

The Commission heard the appeal on September 23, 2019. The Appellant was present and was accompanied by Ann Doucette.

EVIDENCE

The Appellant explained that he is in the process of doing extensive renovations to the premises. He provided documentation, including receipts, totalling \$21,776.94. He explained that the renovations have changed the premises from a two-bedroom house to a three-bedroom house. He noted that the renovations include a new roof, all new windows and doors, new siding, new decking, new drywall, new trim and new paint.

DECISION

The appeal is allowed and Director's Order LD19-390 is varied.

In Director's Order LD19-390 the Director did not have the benefit of the new documentation which was provided to the Commission. This new documentation establishes a major renovation and a major financial investment in the property by the Appellant.

Given the addition of the new documentation to the file documents, the Commission finds that a monthly rental of \$1100.00 per month, with a future lessee being responsible for their own propane heat, is reasonable and is justified under the *Act*.

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 allowed.
2. The maximum allowable rent for the residential premise located at 2525 Winsloe Road, Oyster Bed Bridge, PE shall increase effective October 1, 2019 from \$800.00 to \$1100.00 per month.
3. The future lessee(s) of 2525 Winsloe Road, Oyster Bed Bridge, PE, will also be responsible for the payment of their own propane heat.

DATED at Charlottetown, Prince Edward Island, this **23rd** day of **September**, 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.