



**THE ISLAND REGULATORY AND  
APPEALS COMMISSION**

Prince Edward Island  
Île-du-Prince-Édouard  
CANADA

**Dockets LR19067  
Order LR19-42**

**IN THE MATTER** of an appeal filed  
under Section 25 of the Rental of Residential  
Property Act by Kim Graham against Order  
LD19-480 dated November 5, 2019 issued by  
the Office of the Director of Residential Rental  
Property.

**BEFORE THE COMMISSION**  
on Thursday, the 21st day of November, 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 Kim Graham against Order LD19-480 dated November 5, 2019 issued by the Office of the Director of Residential Rental Property.

---

# Order

---

## BACKGROUND

On November 12, 2019 the Commission received a Notice of Appeal from a lessee, Kim Graham (the “Appellant”), requesting an appeal of Order LD19-480 dated November 5, 2019 issued by the Director of Residential Rental Property (the “Director”).

By way of background, on October 28, 2019 Weiguang Yang (“Mr. Yang”) on behalf of a lessor, 101728 PEI Inc. (the “Respondent”) filed with the Director a Form 2 – Application for Enforcement of Statutory or Other Conditions of Rental Agreement dated October 28, 2019 requesting an order that possession of the residential premises be surrendered to the lessor and directing the Sheriff to put the lessor in possession. Attached to the Form 2 was a Form 4 – Notice of Termination by Lessor of Rental Agreement dated September 27, 2019

The matter was heard by the Director on November 1, 2019 and in Order LD19-480 the Director ordered:

***“IT IS THEREFORE ORDERED THAT***

- 1. Possession of the residential premises be surrendered to the lessor and the Sheriff is directed to put the lessor in possession of the residential premises by 4:00 p.m. on Tuesday, November 12, 2019.”*

The Commission heard the appeal on November 20, 2019. The Appellant participated by telephone. Mr. Yang represented the Respondent. Guo Quan Zhou (“Mr. Zhou”), who owns the Respondent corporation, was also present.

## EVIDENCE

The Appellant testified that she will be leaving the residential premises on November 30, 2019 and she will move into her new residence on December 1, 2019. She testified that her rent is paid for November.

Mr. Zhou testified that the Appellant’s November rent was paid on November 19, 2019. He agreed that the Appellant can stay in the residential premises until November 30, 2019.

## DECISION

The Commission confirms Director's Order LD19-480 subject to a variance in the dates as agreed to by the parties at the hearing before the Commission.

**NOW THEREFORE**, pursuant to the *Island Regulatory and Appeals Commission Act* and the *Rental of Residential Property Act*

## IT IS ORDERED THAT

1. Director's Order LD19-480 is varied by consent of both the Appellant and the Respondent.
2. Possession of the residential premises shall be surrendered to the Respondent lessor on November 30, 2019 and the Sheriff is directed to put the Respondent lessor in possession of the residential premises by 9:00 a.m. on Sunday December 1, 2019.

**DATED** at Charlottetown, Prince Edward Island, this **21<sup>st</sup> day of November, 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.*