



**THE ISLAND REGULATORY AND  
APPEALS COMMISSION**

Prince Edward Island  
Île-du-Prince-Édouard  
CANADA

**Dockets LR20011  
Order LR20-13**

**IN THE MATTER** of an appeal filed  
under Section 25 of the Rental of Residential  
Property Act by Shelley Mosher and Wilfred  
Doyle against Order LD20-087 dated March 9,  
2020 issued by the Office of the Director of  
Residential Rental Property.

**BEFORE THE COMMISSION**

on Wednesday, the 10th day of June, 2020.

Erin T. Mitchell, Commissioner  
M. Douglas Clow, Vice-Chair

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# Order

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Philip J. Rafuse,  
Appeals Administrator  
Island Regulatory & Appeals Commission

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# Order

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## BACKGROUND

On March 30, 2020 the Commission received a Notice of Appeal from lessees Shelley Mosher and Wilfred Doyle (the “Appellants”), requesting an appeal of Order LD20-087 dated March 9, 2020 issued by the Director of Residential Rental Property (the “Director”).

The matter was heard by the Director on February 28, 2020 and in Order LD20-087 the Director ordered:

***“IT IS THEREFORE ORDERED THAT***

- 1. The lessees’ application for a return of rent is dismissed.*

The hearing of this appeal was delayed due to the closure of the Commission offices due to the COVID-19 pandemic.

The Commission heard the appeal on June 10, 2020 by way of telephone conference in order to meet current social distancing requirements. The Appellant Wilfred Doyle (“Mr. Doyle”) participated by telephone. The Respondent’s representatives Chris Daley (“Mr. Daley”) and Cody MacDonald (“Mr. MacDonald”) also participated by telephone.

## EVIDENCE

Mr. Doyle told the Commission that he had nothing further to add other than the Notice of Appeal and the filed record provided to the Commission.

Mr. Daley and Mr. MacDonald told the Commission that they agreed with the Director’s Order. They stated that the electricity had been turned off on August 10, 2019. The Appellants were supposed to move out by July 31, 2019 but they stayed past that date. Mr. Daley and Mr. MacDonald explained that the heat and hot water had been disrupted by a crack in the fuel line which was then repaired.

## DECISION

The appeal is denied and Director’s Order LD20-087 is confirmed.

The March 30, 2020 Notice of Appeal filed by the Appellants state the following reasons for appeal:

*The property officer misdirected himself on the evidence we put before IRAC. We clearly proved that the Lessor Chris Daley was in contravention of the Rental of Residential Property Act.*

Mr. Doyle did not explain or elaborate further on the Notice of Appeal. Mr. Doyle did not identify any dollar values to the Appellants' claims for return of rent due to discontinued services. Like the Director, the Commission cannot arbitrarily attribute a dollar value to such claims.

The Commission, having reviewed the file record, cannot identify any misdirection or error on the part of the Director. Accordingly, the appeal is denied.

**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 LD20-087 is confirmed.**

**DATED** at Charlottetown, Prince Edward Island, this **10<sup>th</sup> day of June, 2020.**

**BY THE COMMISSION:**

(sgd.) Erin T. Mitchell

Erin T. Mitchell, Commissioner

(sgd.) M. Douglas Clow

M. Douglas Clow, Vice-Chair

## 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.*