



**THE ISLAND REGULATORY AND
APPEALS COMMISSION**

Prince Edward Island
Île-du-Prince-Édouard
CANADA

**Docket LR20020
Order LR20-20**

IN THE MATTER of an appeal under
Section 25 of the Rental of Residential
Property Act filed by Heather Butler against
Order LD20-162 dated July 14, 2020 issued by
the Director of Residential Rental Property.

BEFORE THE COMMISSION

on Tuesday, the 1st day of September, 2020.

Erin T. Mitchell, Commissioner
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 filed by Heather Butler against Order LD20-162 dated July 14, 2020 issued by the Director of Residential Rental Property.

Order

WHEREAS this matter was originally scheduled for a tele-hearing hearing before the Commission on August 17, 2020 and the hearing date was postponed by the Commission at the request of the Appellant;

AND WHEREAS the Commission rescheduled the tele-hearing to September 1, 2020;

AND WHEREAS the Appellant failed to appear at the tele-hearing;

AND WHEREAS the record confirms that the Appellant received a revised notice of the date, time and instructions for the tele-hearing hearing via email on August 19, 2020;

AND WHEREAS an email reminding the Appellant of the date, time and instructions for the tele-hearing was sent on the morning of August 31, 2020;

AND WHEREAS the Commission is satisfied that the Appellant received notice of the date and time of the hearing;

AND WHEREAS the Commission is satisfied that the Appellant received instructions on how to participate in the tele-hearing;

AND WHEREAS pursuant to Rule 27 of the *Rules of Practice and Procedure for Hearings*, the Commission is empowered to deem an appeal abandoned where an appellant or applicant fails to attend a hearing;

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

IT IS ORDERED THAT

1. The proceeding is hereby dismissed as abandoned.
2. The Director's Order LD20-162 remains in full force and effect.
3. A copy of this Order shall be emailed and mailed to the Appellant at the address provided to the Commission from the Appellant's Notice of Appeal.

DATED at Charlottetown, Prince Edward Island, this **1st** day of **September**, **2020**.

BY THE COMMISSION:

(sgd. Erin T. Mitchell)

Erin T. Mitchell, Commissioner

(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.