



**THE ISLAND REGULATORY AND  
APPEALS COMMISSION**

Prince Edward Island  
Île-du-Prince-Édouard  
CANADA

**Docket LR20027  
Order LR20-22**

**IN THE MATTER** of an appeal under  
Section 25 of the Rental of Residential  
Property Act filed by Mandi Cairns against  
Order LD20-221 dated August 20, 2020 issued  
by the Director of Residential Rental Property.

**BEFORE THE COMMISSION**  
on Friday, the 4th day of September, 2020.

Erin T. Mitchell, Commissioner  
Jean Tingley, Commissioner

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# Order

Compared and Certified a True Copy

(Sgd.) Susan Jefferson

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Commission Administrator  
Corporate Services and Appeals

**IN THE MATTER** of an appeal under Section 25 of the Rental of Residential Property Act filed by Mandi Cairns against Order LD20-221 dated August 20, 2020 issued by the Director of Residential Rental Property.

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# Order

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## BACKGROUND

On August 28, 2020 the Commission received a Notice of Appeal from a lessee, Mandi Cairns (the “Appellant”), requesting an appeal of Order LD20-221 dated August 20, 2020 issued by the Director of Residential Rental Property (the “Director”).

By way of background on August 12, 2020 a lessor, Matt Llewellyn (the “Respondent”), filed with the Director a Form 2 – Application for Enforcement of Statutory or Other Conditions of Rental Agreement (the “Form 2”) seeking 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 July 3, 2020.

The matter was heard by the Director on August 20, 2020 and in Order LD20-221 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 premises at 1:00 p.m. on Thursday, August 27, 2020.”*

The Commission heard the appeal on September 4, 2020 by way of telephone conference in order to meet current social distancing requirements due to the COVID-19 pandemic. The Appellant participated by telephone. The Respondent also participated by telephone.

## EVIDENCE

The Appellant acknowledged that she has not paid her August rent. She testified that she will be moving out of the premises this weekend. She acknowledges that the Respondent can use the security deposit to pay the outstanding August rent.

The Respondent testified that he has bills to pay.

## DECISION

The Commission denies the appeal and confirms the decision of the Director in Order LD20-221.

The Commission notes in particular that the Appellant had not filed a Form 6 Application by Lessee to Set Aside Notice of Termination. Accordingly, she is deemed under the *Rental of Residential Property Act* to have accepted the July 3, 2020 Form 4 filed by the Respondent.

Further, the Appellant has confirmed she will be moving out of the premises this weekend.

**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 LD20-221 is confirmed.

**DATED** at Charlottetown, Prince Edward Island, this **4th** 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.*