



**Docket: LR21019**  
**Order: LR21-22**

**IN THE MATTER** of an appeal under section 25 of the Rental of *Residential Property Act*, by Linda Ford, against Orders LD21-166, LD21-167 and LD21-168 issued by the Director of Residential Rental Property and dated May 6, 2021.

**BEFORE THE COMMISSION ON**  
Wednesday, July 7, 2021.

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

**HEARING DATE: Monday, June 28, 2021**

---

# ORDER

Compared and Certified a True  
Copy

(Sgd.) Susan Jefferson  
\_\_\_\_\_  
Commission Administrator  
Corporate Services and Appeals

This appeal asks the questions of whether the Director erred in:

- a) approving a claim for return of rent;
- b) approving a return of rent due to improper rent increase; and
- c) determining the distribution of a security deposit.

## **BACKGROUND**

Linda Ford rented half of a duplex located at 1 Susan Drive, Cornwall, PE, to Laura Lannigan commencing December 1, 2020. Rent in the amount of \$2,000 was due on the first day of the month and included various services, two of which were water and snow removal. A security deposit in the amount of \$1,200 was requested and paid.

Ms. Lannigan vacated the premises on March 1, 2021.

### Order LD21-166

On February 26, 2021, Ms. Lannigan filed with the Director of Residential Rental Property (the “Director”) an Application for Enforcement of Statutory of Other Conditions of Rental Agreement (“1<sup>st</sup> Form 2”) seeking a rent reduction for February 2021 based upon the removal of included services, i.e., water and snow removal.

In Order LD21-166 the Director ordered that rent for the month of February 1, 2021, be reduced by \$196.43.

### Order LD21-167

On February 26, 2021, Ms. Lannigan filed with the Director an Application for Enforcement of Statutory of Other Conditions of Rental Agreement (“2<sup>nd</sup> Form 2”) seeking return of rent based on an improper rent increase.

In Order LD21-167, the Director ordered that:

1. The Landlord pay the Tenant \$118.49 by May 31, 2021; and
2. Due to the findings and adjustments in other decisions, no money was outstanding by the Tenant to the Landlord for February 2021 and March 2021 rent.

### Order LD21-168

On March 11, 2021, Ms. Ford filed with the Director a Notice of Intention to Retain Security Deposit (the “Form 8”). On March 16, 2021, Ms. Lannigan filed an application regarding Determination of Security Deposit (the “Form 9”).

On March 18, 2021, the Director requested that Ms. Ford forward the security deposit and accrued interest to the Rental Office in trust. No funds were received by the Director prior to the hearing of the application.

In Order LD21-168 the Director ordered that:

1. The Landlord will retain \$150 of the security deposit funds.
2. The Landlord will pay the Tenant \$1,052.05 of the security deposit funds by May 31, 2021.

Ms. Ford appealed all three decisions.

On June 16, 2021, Ms. Ford paid to the Rental Office in trust the security deposit and interest in the amount of \$1,202.05.

The Commission heard the appeal on June 28, 2021. Ms. Ford and Ms. Lannigan appeared by way of telephone conference call.

## Disposition

The appeal is denied.

## The Issue

Did the Director err in any of the three decisions?

## Analysis

Upon a review of the testimony of the parties and the evidence presented, including documents filed after the hearing, the Commission finds, pursuant to Rules 62 and 63 of the Commission's Rules of Practice and Procedure, that Ms. Ford has conducted herself unacceptably and therefore the Commission disregards all of her evidence. The Commission finds that there is no error in any of the three decisions of the Director.

**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 Orders LD21-166, LD21-167 and LD21-168 are confirmed.**
3. **As the security deposit funds have now been paid to the Rental Office, the Director shall disperse the funds to the parties.**

**DATED** at Charlottetown, Prince Edward Island, Wednesday, July 7, 2021.

### BY THE COMMISSION:

(sgd. Erin T. Mitchell)

---

Panel Chair - Erin T. Mitchell, Commissioner

(sgd. M. Douglas Clow)

---

M. Douglas Clow, Vice-Chair

**NOTICE**

Subsections 26(2), 26(3), 26(4) and 26(5) of the *Rental of Residential Property Act* provides 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.