



PRINCE EDWARD ISLAND

Regulatory & Appeals Commission
Commission de réglementation et d'appels
ÎLE-DU-PRINCE-ÉDOUARD

Docket: LR21026

Order: LR21-24

IN THE MATTER of an appeal, under section 25 of the *Rental of Residential Property Act (the "Act")*, filed by Omika and Lok Khanal, against Order LD21-239 issued by the Director of Residential Rental Property and dated June 25, 2021.

BEFORE THE COMMISSION ON

Wednesday July 7, 2021.

Panel Chair - Erin T. Mitchell, Commissioner

M. Douglas Clow, Vice-Chair

Hearing Date: **Wednesday, July 7, 2021**

ORDER

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(Sgd.) Susan Jefferson

Commission Administrator
Corporate Services and Appeals

This appeal asks the Commission to determine whether a rental agreement should be terminated due to the alleged behavior of the tenants.

BACKGROUND

On December 11, 2020, Omika Khanal and Lok Khanal (“the Tenants”) rented an apartment located at Unit 1, 331 Fitzroy Street, Charlottetown, PE, from Jamael & Jennings Holdings Inc. Rent for the apartment is \$1,014 per month.

On June 1, 2021, the representative of the landlord, Alex Jamael (“Mr. Jamael”) served the Tenants with a Notice of Termination by Lessor of Rental Agreement (“Form 4”) citing a breach of s. 14(1)(a) of the *Act*. On June 10, 2021, the Tenants filed with the Director of Residential Rental Property (the “Director”) an Application by Lessee to Set Aside the Notice of Termination (“Form 6”).

In Order LD21-239 dated June 25, 2021, the Director ordered that the rental agreement between the parties be terminated effective 11:59 p.m. on August 1, 2021.

The Tenants appealed.

The Commission heard the appeal on July 7, 2021, by way of telephone conference call. The Tenants did not participate. The landlord was represented by Mr. Jamael.

Disposition

The appeal is deemed abandoned and is therefore dismissed.

Analysis

The Tenants failed to participate in their own appeal. The Commission is satisfied that the Tenants were fully advised of the date, time and process for participating in the hearing by way of e-mail to the e-mail address used on their Notice of Appeal form. As the Tenants had notice of the hearing, yet failed to appear or communicate in a timely manner with the Commission, their appeal is deemed abandoned pursuant to Rule 29 of the Commission’s *Rules of Practice and Procedure*.

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 dismissed.**
- 2. Director’s Order LD21-239 is confirmed.**

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.