



**Docket: LR21033**  
**Order: LR21-29**

**IN THE MATTER** of an appeal, under section 25 of the *Rental of Residential Property Act (the "Act")*, filed by John Wilson, against Order LD21-287 issued by the Director of Residential Rental Property and dated August 2, 2021.

**BEFORE THE COMMISSION ON** Tuesday, August 24, 2021.

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

Hearing Date: Monday, August 23, 2021

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# ORDER

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(Sgd.) Susan Jefferson

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Commission Administrator  
Corporate Services and Appeals

This appeal asks the Commission to determine whether the Director erred in finding that an eviction notice was valid.

## **BACKGROUND**

A & M Rentals (“A & M”) rented premises located at 8 Oaktree Crescent, Apartment #5, Charlottetown, PE (the “Premises”), to John Wilson (“Mr. Wilson”) commencing March 22, 2021. Rent for the premises is \$950 per month and is due and payable on the first day of the month.

On July 2, 2021, a representative of A & M, Joe Gallant (“Mr. Gallant”) served a Notice of Termination by Lessor of Rental Agreement (“Form 4”) to Mr. Wilson citing failure to pay July 2021 rent. The effective date of the Form 4 was July 22, 2021.

On July 26, 2021, A & M filed with the Director of Residential Rental Property (the “Director”) an Application for Enforcement of Statutory or Other Conditions of Rental Agreement (“Form 2”) seeking an Order for possession of the Premises.

In Order LD21-287 dated August 2, 2021, the Director ordered that the Form 4 was valid, and that the rental agreement be terminated effective 1:00 p.m., August 6, 2021.

Mr. Wilson appealed.

The Commission heard the appeal on August 23, 2021. Mr. Wilson and Mr. Gallant participated by way of telephone conference call.

## **Disposition**

The appeal is denied.

## **The Issue**

Did the Director correctly determine that the Form 4 was valid?

## **Analysis**

There is no evidence before the Commission that Mr. Wilson filed a Form 6 application to set aside the Form 4. There is no evidence that Mr. Wilson ever paid the rent owing for the month of July 2021.

There was no new evidence presented on appeal to warrant interference with the findings of the Director.

Accordingly, the Commission agrees with the Director that the Form 4 was valid, and finds that the Director was correct in issuing Order LD21-287.

**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 LD21-287 is confirmed.**

**DATED** at Charlottetown, Prince Edward Island, the 24<sup>th</sup> day of August, 2021.

**BY THE COMMISSION:**

**(sgd. Erin T. Mitchell)**

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Panel Chair - Erin T. Mitchell, Commissioner

**(sgd. M. Douglas Clow)**

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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.