



Docket: LR21039
Order: LR21-34

IN THE MATTER of an appeal, under section 25 of the *Rental of Residential Property Act (the "Act")*, filed by Debbie Vanderwal, against Order LD21-299 issued by the Director of Residential Rental Property and dated August 10, 2021.

BEFORE THE COMMISSION ON Wednesday, September 8, 2021.

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

Hearing Date: Wednesday, September 8, 2021

ORDER

Compared and Certified a True
Copy

(Sgd.) Susan Jefferson

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 tenant, Debbie Vanderwal (“Ms. Vanderwal”), rented premises located at 322 Jennifer Street, Apartment 9, Summerside, PE (the “Premises”), from GT Holdings Ltd. (the “Landlord”), commencing May 15, 2018. The monthly rent is \$650 per month due on the first day of the month.

On July 15, 2021, the Landlord served a Notice of Termination by Lessor of Rental Agreement (“Form 4”) on Ms. Vanderwal citing that she breached clause 14(1)(e) of the *Act* by committing an act or omission which seriously impaired the safety or lawful right or interest of the Landlord or other lessees in the residential property.

The effective date of the Form 4 was August 1, 2021.

On July 20, 2021, Ms. Vanderwal filed with the Director of Residential Rental Property (the “Director”) an Application by Lessee to Set Aside Notice of Termination (“Form 6”).

In Order LD21-299 dated August 10, 2021, the Director ordered that the Form 4 was valid, the Form 6 was denied, and that the rental agreement between the parties be terminated as of 11:59 p.m., on August 27, 2021.

Ms. Vanderwal appealed.

The Commission heard the appeal on September 8, 2021. Ms. Vanderwal and the Landlord’s representative, Teddy Zaghoul (“Mr. Zaghoul”), participated by way of telephone conference call. Mr. Zaghoul called Mike Perry (“Mr. Perry”) as a witness.

Disposition

The appeal is denied and Director’s Order LD21-299 is confirmed.

The Issue

Did the Director correctly determine that the Form 4 dated July 15, 2021 was valid?

Analysis

Although Ms. Vanderwal, Mr. Zaghoul and Mr. Perry all provided testimony before the Commission, this testimony was essentially a repetition of statements contained in evidence before the Director. There was no new evidence before the Commission to warrant disturbing the findings of the Director in Order LD21-299.

Accordingly, the appeal is denied and the Commission confirms the Director’s decision in Order LD21-299.

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. Order LD21-299 is confirmed.

DATED at Charlottetown, Prince Edward Island, Wednesday, September 8, 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.