



PRINCE EDWARD ISLAND

Regulatory & Appeals Commission

Commission de réglementation et d'appels

ÎLE-DU-PRINCE-ÉDOUARD

Docket: LR21035

Order: LR21-42

IN THE MATTER of an appeal under section 25 of the *Rental of Residential Property Act* (the "Act") filed by Jordan Sizer, against Order LD21-291 issued by the Director of Residential Rental Property and dated August 4, 2021.

BEFORE THE COMMISSION ON Wednesday, September 22, 2021.

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

Hearing Date: Wednesday, September 22, 2021

ORDER

Compared and Certified a True
Copy

(Sgd.) Susan Jefferson

Commission Administrator
Corporate Services and Appeals

This appeal asks whether the Director erred in dismissing an application for return of security deposit.

BACKGROUND

A tenant, Jordan Sizer (“Mr. Sizer”), rented premises located at 1642 Brackley Point Road, Apartment #2, Harrington, PE (the “Premises”), from Yacoub Siddig Abdallah (“Mr. Abdallah”) commencing on January 15, 2021. Rent was \$900 per month due on the first day of the month. The parties dispute whether a security deposit was paid.

Mr. Sizer vacated the Premises on April 1, 2021.

On April 6, 2021, Mr. Sizer filed with the Director of Residential Rental Property (the “Director”) an Application for Determination of Security Deposit (Form 9) requesting a finding that the security deposit, or part thereof, should be forfeited or returned.

On June 7, 2017, Mr. Abdallah filed with the Director an unsigned and undated Notice of Intention to Retain Security Deposit (Form 8) indicating that a security deposit had not been received from Mr. Sizer.

In Order LD21-291, the Director dismissed the Form 9 application.

Mr. Sizer appealed.

The Commission attempted to hear the appeal on September 22, 2021. Neither party appeared by way of telephone conference call.

Commission staff referenced on the record emails sent to the parties to advise of the date, time and method of participation. As neither party participated, the appeal was deemed abandoned.

Disposition

The appeal is deemed abandoned. Director’s Order LD21-291 remains in effect.

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 deemed abandoned.**
2. **Director’s Order LD21-291 remains in effect.**

DATED at Charlottetown, Prince Edward Island, Wednesday, September 22, 2021.

BY THE COMMISSION:

(sgd. Erin T. Mitchell)

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* 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.