



Docket: LR21052

Order: LR21-48

IN THE MATTER of an appeal, under section 25 of the *Rental of Residential Property Act* (the “Act”), filed by Lisa Hughes and Scott Ryan against Order LD21-404 issued by the Director of Residential Rental Property dated October 27, 2021.

BEFORE THE COMMISSION ON Tuesday, November 9, 2021.

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

Hearing Date: Monday, November 8, 2021

ORDER

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(Sgd.) Susan Jefferson

Commission Administrator
Corporate Services and Appeals

This appeal asks the Commission to determine whether the Director of Residential Rental Property (the “Director”) erred in finding that an eviction notice was valid.

BACKGROUND

Lisa Hughes (“Ms. Hughes”) and Scott Ryan (“Mr. Ryan”) rent premises located at 20 Lower Malpeque Road, Unit 189, Charlottetown, PE (the “Premises”), from Empire Developments Inc. (the “Landlord”).

On October 6, 2021, a representative of the Landlord served a Notice of Termination by Lessor of Rental Agreement (“Form 4”) on Ms. Hughes and Mr. Ryan citing breaches of clauses 14(1)(a) and 14(1)(b) of the *Act*. The Director found that the effective date of the Form 4 was November 6, 2021.

On October 12, 2021, Ms. Hughes filed with the Director an Application by Lessee to Set Aside Notice of Termination (“Form 6”).

In Order LD21-404 dated October 27, 2021, the Director ordered that the Form 4 was valid, the Form 6 was dismissed, and that Ms. Hughes and Mr. Ryan vacate the Premises by 4:00 p.m. on November 6, 2021.

Ms. Hughes appealed.

The Commission heard the appeal on November 8, 2021, by telephone conference call. Ms. Hughes was present on the conference call and represented herself and Mr. Ryan. Tami MacIntyre and Stephen MacDougall represented the Landlord and were also present on the conference call.

Disposition

The appeal is denied and Director’s Order LD21-404 is confirmed.

The Issue

Did the Director correctly determine that the Form 4 dated October 6, 2021 was valid?

Analysis

The Commission has reviewed and applied the applicable legislation and finds that the Director was correct in granting the Landlord’s application. The evidence establishes clear breaches of the *Act*, and there no new or contradictory evidence before the Commission which would warrant disturbing the findings of the Director in Order LD21-404.

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 LD21-404 is confirmed.**

DATED at Charlottetown, Prince Edward Island, Tuesday, November 9, 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.