



**Docket: LR22033**  
**Order: LR22-24**

**IN THE MATTER** of an appeal, under section 25 of the *Rental of Residential Property Act* (the “Act”), filed by Carrie Lawlor and Raymond Acorn, against Order LD22-126 issued by the Director of Residential Rental Property and dated May 2, 2022.

**BEFORE THE COMMISSION ON** Friday, May 13, 2022.

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

Hearing Date: Thursday, May 12, 2022

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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 of Residential Rental Property (the “Director”) erred in finding that an eviction notice was valid.

## **BACKGROUND**

Carrie Lawlor (“Ms. Lawlor”) and Raymond Acord (“Mr. Acorn”) entered into a written rental agreement for premises located at 28 Pownal Street, Apartment #2, Charlottetown, PE (the “Premises”), from Alan Thompson (“Mr. Thompson”) as of December 1, 2021. Rent for the Premises is \$1,345 per month and is due and payable on the first day of the month.

On April 6, 2022, Mr. Thompson served Ms. Lawlor and Mr. Acorn with a Notice of Termination by Lessor of Rental Agreement (“Form 4”) citing breaches under clauses 14(1)(a) and 14(1)(e) of the *Act*. The effective date of the Form 4 was May 7, 2022.

On April 11, 2022, Mr. Thompson filed with the Director an Application by Lessor for Earlier Termination (“Form 5”).

The application was heard by the Director on April 29, 2022, and in Order LD22-126 dated May 2, 2022, the Director found that the Form 4 was valid and ordered that the rental agreement be terminated effective 4:00 p.m., May 4, 2022.

Ms. Lawlor and Mr. Acorn appealed.

The Commission heard the appeal on May 12, 2022. Ms. Lawlor participated by telephone conference call. Mr. Thompson also participated by telephone conference call and was assisted by Laurie MacKinley (“Ms. MacKinley”). Jeremy Sudsbury, Sarah MacKinnon, Edward Keunecke, Taylor Walsh, Stephen Stewart, and Kelly Arsenault acted as witnesses for Mr. Thompson.

## **Disposition**

The appeal is dismissed and Director’s Order LD22-126 is confirmed.

## **The Issue**

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

## **Analysis**

The Commission heard testimony from several witnesses, heard submissions from Ms. Lawlor, Mr. Thompson and Ms. MacKinley, reviewed numerous videos and considered a large volume of written evidence. The written and oral evidence establishes that there have been breaches of both clauses 14(1)(a) and 14(1)(e) of the *Act*. Ms. Lawlor expressed remorse for the experiences of the other tenants, and though she challenged the characterization of one incident in particular, she did not deny that the several events which were recounted by the witnesses at the appeal had occurred.

The Commission agrees with the findings and outcome as set out in Director's Order LD22-126.

**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 LD22-126 is confirmed.

**DATED** at Charlottetown, Prince Edward Island, the 13<sup>th</sup> day of May, 2022.

**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.