



Docket: LR22030

Order: LR22-25

IN THE MATTER of an appeal, under section 25 of the *Rental of Residential Property Act* (the “Act”), filed by Gary DesRoches against Order LD22-098 issued by the Director of Residential Rental Property and dated April 4, 2022.

BEFORE THE COMMISSION ON Friday, May 20, 2022.

Panel Chair - Erin T. Mitchell, Commissioner

M. Douglas Clow, Vice-Chair

Hearing Date: Thursday, May 19, 2022

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

BACKGROUND

Gary DesRoches (“Mr. DesRoches”) entered into a written, month-to-month rental agreement with Deborah Reid (“Ms. Reid”) for premises located at 99 Autumn Street, Summerside, PE (the “Premises”), commencing June 1, 2021. Rent for the Premises is \$1,000 per month.

On February 21, 2022, Mr. DesRoches served a Notice of Termination by Lessor of Rental Agreement on Ms. Reid, citing that he wants possession of the Premises for a family member pursuant to clause 15(1)(a) of the *Act*. Mr. DesRoches subsequently withdrew the First Notice (the “First Notice”).

On March 14, 2022, served another Notice of Termination by Lessor of Rental Agreement on Ms. Reid, citing that he wants possession of the Premises for himself pursuant to clause 15(1)(a) of the *Act* (the “Second Notice”).

On March 23, 2022, Ms. Reid filed with the Director an Application by Lessee to Set Aside the Second Notice.

In Order LD22-098 dated April 4, 2022, the Director ordered that the Second Notice was invalid and that the rental agreement continues to be in full force and effect.

Mr. DesRoches appealed.

The Commission heard the appeal on May 19, 2022, by way of telephone conference call. Mr. DesRoches participated along with assistance from Robin Cormier. Ms. Reid participated along with assistance from Connor Kelly, Tenant Network Coordinator of the PEI Fight for Affordable Housing.

Disposition

The appeal is dismissed following a settlement agreed to by the parties.

The Issue

Did the Director correctly determine that the Second Notice was invalid?

Analysis

At the hearing, the parties reached a settlement of the matter. Following the hearing, the terms of the settlement and agreement were confirmed by email. These terms are incorporated into this Order.

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, and the following provisions constitute terms of settlement which are legally binding on the parties.**
2. **Ms. Reid shall vacate the Premises on or before September 30, 2022.**
3. **At the time Ms. Reid returns the keys to Mr. DesRoches and thus vacates the Premises, Mr. DesRoches shall provide a positive letter of reference to Ms. Reid and return the security deposit in the amount of \$500.**

DATED at Charlottetown, Prince Edward Island, the 20th day of May, 2022.

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.