



Docket: LR22039

Order: LR22-28

IN THE MATTER of an appeal, under section 25 of the *Rental of Residential Property Act* (the “Act”), filed by April Storrington, against Order LD22-171 issued by the Director of Residential Rental Property and dated May 30, 2022.

BEFORE THE COMMISSION ON Wednesday, June 15, 2022.

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

Hearing Date: Tuesday, June 14, 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 valid.

BACKGROUND

April Storning (the “Tenant”) rents a mobile home lot located at 43 Courtney Crescent, Lower Montague, PE (the “Premises”) from Vector Bio-Tech Solutions Inc. (the “Landlord”). The lot rent for the Premises is \$200 per month and is due and payable on the first day of the month.

On April 25, 2022, a representative of the Landlord served the Tenant with a Notice of Termination by Lessor of Rental Agreement (“Form 4”) for breaches of clauses 14(1)(a) and 14(1)(e) of the *Act*. The effective date of the Form 4 was June 1, 2022. On May 2, 2022 the Tenant filed with the Director an Application by Lessee to Set Aside Notice of Termination (“Form 6”).

The matter was heard by the Director on May 27, 2022. In Order LD22-171 dated May 30, 2022, the Director found that the Form 4 was valid, and ordered that the rental agreement be terminated effective 11:59 p.m. on June 3, 2022.

The Tenant appealed.

The Commission heard the appeal by way of telephone conference call on June 14, 2022. The Tenant participated. Jean Marie Mermuys (“Mr. Mermuys”) testified for the Tenant. The Landlord was represented by Janet Sturgess (“Ms. Sturgess”) also participated.

Disposition

The appeal is dismissed.

The Issue

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

Analysis

The Commission heard the testimony of the Tenant, Mr. Mermuys and Ms. Sturgess. The Commission reviewed the seven exhibits in evidence.

The Commission finds that there is no evidence to warrant overturning the termination of the rental agreement. However, the Commission varies Order LD22-171 to vary the termination date to July 31, 2022. In all other respects, Order LD22-171 is confirmed.

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. Order LD22-171 is confirmed, subject to a variation in the termination date to 11:59 p.m. July 31, 2022.
3. April Storning is required to pay rent for the month of July 2022 not later than July 1, 2022.

DATED at Charlottetown, Prince Edward Island, the 15th day of June, 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.