



**Docket: LR22043**

**Order: LR22-35**

**IN THE MATTER** of an appeal, under section 25 of the *Rental of Residential Property Act (the "Act")*, filed by Kerri Cochrane against Orders LD22-167 and LD22-168, issued by the Director of Residential Rental Property and both dated May 27, 2022.

**BEFORE THE COMMISSION ON** Tuesday, July 5, 2022.

Panel Chair - Erin T. Mitchell, Commissioner

M. Douglas Clow, Vice-Chair

Hearing Date: Tuesday, July 5, 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 question of whether the Director of Residential Rental Property (the “Director”) erred in terminating a rental agreement due to the persistent and habitual late payment of rent by a tenant and finding that rent is due and owing to a landlord.

## BACKGROUND

Kerri Cochrane (“Ms. Cochrane”) rents a single-family dwelling located at 20 Livingstone Drive, Charlottetown, PE (the “Premises”), from Veronika and Valeriy Silinsh (the “Landlords”). Rent for the Premises is \$2,000 per month with rent due on the first day of the month.

On May 2, 2022, the Landlords filed with the Director two applications. The first application requested an Order terminating the rental agreement because Ms. Cochrane is persistently and habitually late paying rent (the “First Application”). Included in the First Application were a series of Notices of Termination (“Form 4s”) directed to Ms. Cochrane and signed by the Landlords. The second application requested an order that rent is owed and that an amount found to be owed by paid (the “Second Application”).

Ms. Cochrane challenged the First and Second Applications.

In Order LD22-167 dated May 27, 2022, the Director ordered that Ms. Cochrane, and all occupants, must vacate the Premises by 12:00 noon, June 1, 2022. In Order LD22-168, also dated May 27, 2022, the Director ordered that Ms. Cochrane pay the Landlords the sum of \$2,400 on or before June 1, 2022.

Ms. Cochrane appealed.

The appeal was heard on July 5, 2022. The Landlords and Olesandr Rekhnyuk appeared by way of telephone conference call. Ms. Cochrane did not appear on the telephone conference call.

## Disposition

The appeal is dismissed. Ms. Cochrane did not appear at the hearing and thus the appeal is deemed abandoned.

The Commission is satisfied that Ms. Cochrane was advised of the date, time and process of the telephone conference call hearing by way of a Notice of Appeal Hearing, issued on June 23, 2022, and hand delivered on the same date. Ms. Cochrane visited the Commission offices on July 4, 2022, at which time she was reminded of the hearing date and time of 10:00 a.m. on July 5, 2022.

As Ms. Cochrane did not participate in the conference call, the Commission, deemed her appeal to be abandoned.

**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 as Ms. Cochrane failed to participate and thus the appeal was deemed abandoned.
2. Directors' Orders LD22-167 and LD22-168, both dated May 27, 2022, are confirmed and thus remain in full force and effect.

**DATED** at Charlottetown, Prince Edward Island, Tuesday, July 5, 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.