



**Docket: LR22047**  
**Order: LR22-38**

**IN THE MATTER** of an appeal, under section 25 of the *Rental of Residential Property Act* (the “Act”), filed by Matthew Watts, against Orders LD22-186 and LD22-188 issued by the Director of Residential Rental Property, both dated June 8, 2022.

**BEFORE THE COMMISSION ON** Friday, July 15, 2022.

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

Hearing Date: Friday, July 15, 2022

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# ORDER

Compared and Certified a True  
Copy

(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 and finding that a tenant owes rent to a landlord.

## **BACKGROUND**

Matthew Watts (“Mr. Watts”) rents Apartment 2 at 15 Falconwood Drive, Charlottetown, PE (the “Premises”), from George Dow (the “Landlord”) commencing September 1, 2019. Rent for the Premises is \$918 per month, which is due and payable on the first day of the month.

On May 9, 2022, Mr. Watts was served with a Notice of Termination by Lessor of Rental Agreement (“Form 4”) for non-payment of rent in the amount of \$1,318. The effective date of the Form 4 was May 29, 2022.

On May 20, 2022, the Landlord filed with the Director an Application for Enforcement of Statutory or Other Conditions of Rental Agreement (“Form 2”) seeking: an order that rent is owed; an order that an amount found to be owed be paid; and an order that possession of the residential premises be surrendered to the lessor and directing the Sheriff to put the lessor in possession of the Premises.

In Order LD22-186 dated June 8, 2022, the Director found that the Form 4 was valid, and ordered that the rental agreement be terminated effective June 13, 2022 at 10:00 a.m.

In Order LD22-188 dated June 8, 2022, the Director found that the Form 2 was valid and ordered Mr. Watts to pay the Landlord \$1,715.80 by July 8, 2022.

Mr. Watts appealed both Orders.

The Commission heard the appeal by way of telephone conference call on July 15, 2022. Mr. Watts failed to appear. The Landlord and Joseph Dow were present.

## **Disposition**

The Commission finds that Mr. Watts was advised of the date, time and method of participation for the hearing. When he failed to appear, the Commission panel waited while Commission staff telephoned him; the call going to voicemail. The Commission waited several more minutes before commencing the hearing.

The appeal is dismissed as Mr. Watts failed to appear and thus the appeal is deemed abandoned. Both Director’s Orders remain in full force and effect.

**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 the Appellant, Matthew Watts, failed to appear and thus the appeal is deemed abandoned.
2. Director's Orders LD22-186 and LD22-188 are confirmed and remain in full force and effect.
3. A certified copy of this Order, along with a certified copy of Order LD22-186 may be filed in the Supreme Court of Prince Edward Island and enforced by Sheriff Services as permitted by the *Act*.

**DATED** at Charlottetown, Prince Edward Island, this 15<sup>th</sup> day of July, 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.