



Docket: LR22050

Order: LR22-46

IN THE MATTER of an appeal, under section 25 of the *Rental of Residential Property Act* (the “Act”), filed by Insights Z & G Inc. against Order LD22-233 issued by the Director of Residential Rental Property and dated July 8, 2022.

BEFORE THE COMMISSION ON Thursday, July 21, 2022.

Panel Chair - Erin T. Mitchell, Commissioner

M. Douglas Clow, Vice-Chair

Hearing Date: Tuesday, July 19, 2022

ORDER

Compared and Certified a True
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(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 three (3) eviction notices were invalid.

Background

Insights Z & G. Inc. (the “Landlord”) rents a room located at 500 Read Drive, Summerside, PE (the “Premises”), to Michael Baker (“Mr. Baker”). Mr. Baker has lived in the Premises since mid-September 2021. Rent for the Premises is \$700 per month due on the first day of the month.

On May 24, 2022, a representative of the Landlord served Mr. Baker with two Notices of Termination by Lessor of Rental Agreement citing:

- (a) that the Landlord wants to renovate the premises pursuant to clause 15(1)(c) of the *Act* (the “First Notice”); and
- (b) that rental agreement is for a fixed term with an option to renew pursuant to clause 14(1)(i) of the *Act* (the “Second Notice”).

On May 25, 2022, a representative of the Landlord served Mr. Baker with another Notice of Termination by Lessor of Rental Agreement citing that the Landlord wants to convert the premises to a use other than residential pursuant to clause 15(1)(b) of the *Act* (the “Third Notice”).

On June 2, 2022, Mr. Baker filed three set aside applications (the “Form 6s”).

In Order LD22-233 dated July 8, 2022, the Director ordered that the three Forms 4s were invalid and that the rental agreement continues to be in full force and effect.

The Landlord appealed.

The Commission heard the appeal on July 19, 2022, by way of telephone conference call. The Landlord was represented by Amandeep. Mr. Baker appeared on his own behalf.

Disposition

The appeal is denied. Director’s Order LD22-233 is confirmed

The Issue

Did the Director correctly determine that each of the Notices was invalid?

Analysis

The Commission heard evidence from Amandeep that the Landlord operated the Premises as a motel prior to the COVID-19 pandemic. In 2020, the Premises were closed due to ongoing pandemic-related impacts. In 2021, the Landlord began renting rooms in the Premises on a monthly basis. In early 2022, once it appeared that COVID-19 related restrictions were easing, the Landlord decided to revert to operating as a motel. As such, the Landlord seeks to terminate Mr. Baker’s month-to-month tenancy agreement.

Amandeep testified that he was not working for the Landlord when Mr. Baker began his tenancy.

Mr. Baker testified that when he moved into the Premises in September 2021, there was no time limitation to his tenancy articulated by the Landlord. He wishes to remain in the Premises.

The Commission has reviewed the analysis conducted by the Director in Order LD22-233 and agrees with each of the findings therein. There is no new evidence to justify disturbing the findings of the Director.

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 denied.
2. Director's Order LD22-233 is confirmed.

DATED at Charlottetown, Prince Edward Island, Thursday, July 21, 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.