



Docket: LR22052

Order: LR22-48

IN THE MATTER of an appeal, under section 25 of the *Rental of Residential Property Act* (the “Act”), filed by Emily Sonier and Spencer Bridges against Order LD22-228, issued by the Director of Residential Rental Property and dated July 4, 2022.

BEFORE THE COMMISSION ON Thursday, August 18, 2022.

Panel Chair - Erin T. Mitchell, Commissioner

M. Douglas Clow, Vice-Chair

Hearing Date: Tuesday, August 16, 2022

ORDER

Compared and Certified a True
Copy

(Sgd.) Susan Jefferson

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.

BACKGROUND

Emily Sonier (“Ms. Sonier”) and Spencer Bridges (“Mr. Bridges”) (collectively the “Tenants”) rent premises located at 160 Water Street, Apartment #610, Summerside, PE (the “Premises”), from Arsenault Bros. Holdings Inc. (the “Landlord”). Rent for the Premises is \$1,425 per month with rent due on the first day of the month. A security deposit of \$1,425 was paid.

On May 30, 2022, the Landlords served the Tenants with a Notice of Termination by Lessor of Rental Agreement (“Form 4”) which cited a breach of clause 14(1)(a) of the *Act*. The effective date of the Form 4 was June 30, 2022. On June 9, 2022, Mr. Bridges filed with the Director an application to set aside the Form 4 (the “Application”).

In Order LD22-228 dated July 4, 2022, the Director denied the Tenants’ Application and ordered the Tenants to vacate the Premises by 12:59 p.m., July 31, 2022 and to pay rent for the month of July, 2022.

The Tenants appealed.

The appeal was heard by teleconference on August 16, 2022. Ms. Sonier participated on the behalf of the Tenants. The Landlord was represented by Geoff Kowalski (“Mr. Kowalski”) and Gordon Campbell (“Mr. Campbell”).

Disposition

The appeal is denied and Director’s Order LD22-228 is confirmed, subject to a variation in the date to vacate the Premises to 11:59 p.m., August 31, 2022.

The Issue

The Commission must decide whether the Director’s decision ordering the termination of the rental agreement is justified.

Analysis

The Commission heard from Ms. Sonier, Mr. Kowalski and Mr. Campbell. The Commission finds that there was no new evidence to warrant disturbing the findings of the Director. However, the Commission varies the date to vacate the Premises to Wednesday, August 31, 2022 at 11:59 p.m.

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 LD22-228 is confirmed, subject to a variance in the date and time to vacate the Premises to Wednesday, August 31, 2022 at 11:59 p.m.

DATED at Charlottetown, Prince Edward Island, Thursday, August 18, 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.