



Docket: LR22056

Order: LR22-56

IN THE MATTER of an appeal, under section 25 of the *Rental of Residential Property Act* (the “Act”), filed by Ian Ross against Order LD22-275 issued by the Director of Residential Rental Property and dated August 8, 2022.

BEFORE THE COMMISSION ON Friday,
September 23, 2022.

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

Hearing Date: Friday, September 23, 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 determining the disbursement of a security deposit.

Background

Ian Ross (“Mr. Ross”) rented a room located at 284 Sydney Street, Charlottetown PE (the “Premises”), from Lindsay Oehlke (“Ms. Oehlke”) commencing December 15, 2019. Rent for the Premises was \$675 per month and was due and payable on the first day of the month. A security deposit in the amount of \$675 was required and paid.

The Tenant vacated the Premises on June 30, 2022.

On July 15, 2022, Mr. Ross filed with the Director an Application re Determination of the Security Deposit (“Form 9”), together with a copy of a security deposit notice received from Ms. Oehlke seeking to retain the security deposit, plus interest.

On August 2, 2022 the Form 9 application was heard by the Director. In Order LD22-275 dated August 8, 2022, the Director denied the application and awarded the security deposit, plus interest, in the amount of \$683.75 to Ms. Oehlke.

Mr. Ross appealed.

The Commission heard the appeal on September 23, 2022. Ms. Oehlke participated by way of telephone conference call. Mr. Ross did not participate.

The Commission noted on the record that Mr. Ross was advised of the date, time and method of participation by email on September 9, 2022 and again by email on September 22, 2022. At the start of the hearing, Commission staff left a telephone voicemail message advising Mr. Ross that the appeal had started and that it would be abandoned if he did not call in to the hearing within the next five minutes.

Disposition

Mr. Ross failed to appear at his own appeal. The appeal is deemed abandoned and is therefore dismissed.

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 and Director’s Order LD22-275 remains in full force and effect.

DATED at Charlottetown, Prince Edward Island, the 23rd day of September, 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.