



**Docket: LR22061**

**Order: LR22-57**

**IN THE MATTER** of an appeal, under section 25 of the *Rental of Residential Property Act* (the “Act”), filed by Dana Cheverie and Alyssia Johnston, against Order LD22-312 issued by the Director of Residential Rental Property and dated September 2, 2022.

**BEFORE THE COMMISSION ON** Tuesday, October 18, 2022.

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

Hearing Date: Tuesday, October 18, 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.

## BACKGROUND

Dana Cheverie and Alyssia Johnston (the “Tenants”) rent a duplex located at 1582B Warren Grove Road, Cornwall PE (the “Premises”) from Tim Tremere (the “Landlord”). The rent for the Premises is \$1,195 per month and is due and payable on the first day of the month.

On August 13, 2022, the Landlord served the Tenants with a Notice of Termination by Lessor of Rental Agreement (the “Form 4”) for breach of clause 14(1)(a) of the *Act*. The effective date of the Form 4 was September 13, 2022. On August 15, 2022 the Tenants filed with the Director an Application by Lessee to Set Aside Notice of Termination (“Form 6”).

The matter was heard by the Director on August 31, 2022. In Order LD22-312 dated September 2, 2022, the Director found that the Form 4 was valid, and ordered that the rental agreement be terminated effective 11:59 p.m. on September 13, 2022.

The Tenants appealed.

The Commission heard the appeal by way of telephone conference call on October 18, 2022. The Tenants failed to appear. The Landlord was present.

## Disposition

The Commission finds that the Appellants were advised of the date, time and method of participation. When they failed to appear, the Commission panel waited while Commission staff telephoned them; the call going to voicemail. The Commission waited several more minutes before commencing the hearing.

The appeal is dismissed as the Appellants failed to appear and thus the appeal is deemed abandoned. Director’s Order LD22-312 remains 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 Appellants, Dana Cheverie and Alyssia Johnston, failed to appear and thus the appeal is deemed abandoned.
2. Director’s Order LD22-312 is confirmed and remains in full force and effect.
3. A certified copy of this Order, along with a certified copy of Order LD22-312 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, the 18<sup>th</sup> day of October, 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.