



**Docket: LR22067**  
**Order: LR22-64**

**IN THE MATTER** of an appeal, under section 25 of the *Rental of Residential Property Act* (the “Act”), filed by Erica Fisher and Steven Praught, against Order LD22-384 issued by the Director of Residential Rental Property, dated November 7, 2022.

**BEFORE THE COMMISSION ON** Wednesday, December 7, 2022.

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

Hearing Date: Wednesday, December 7, 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**

Erica Fisher (“Ms. Fisher”) and Steven Praught (“Mr. Praught”) (collectively the “Tenants”) rent Apartment C, 11 Granville Street, Summerside, PE (the “Premises”), from Donald Camus (“Mr. Camus”) commencing in November, 2020. Rent for the Premises is \$833 per month, which is due and payable on the first day of the month.

On September 17, 2022, the Tenants were served with a Notice of Termination by Lessor of Rental Agreement for breaches of s. 14(1)(a) and s. 14(1) (e) of the *Act* (the “First Form 4”). The effective date of the First Form 4 was October 17, 2022.

On October 18, 2022, Mr. Camus filed with the Director an Application for Enforcement of Statutory or Other Conditions of Rental Agreement (the “First Form 2”) seeking 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.

On September 21, 2022, the Tenants were served with a Notice of Termination by Lessor of Rental Agreement for breach of s. 14(1) (e) of the *Act* (the “Second Form 4”). The effective date of the Second Form 4 was October 21, 2022.

On October 21, 2022, Mr. Camus filed with the Director an Application for Enforcement of Statutory or Other Conditions of Rental Agreement (the “Second Form 2”) seeking 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 LD22-384 dated November 7, 2022, the Director found that the breach of s. 14.(1)(a) set out in the First Form 4 was valid, and ordered that the rental agreement be terminated effective November 14, 2022 at 11:59 p.m.

Ms. Fisher and Mr. Praught appealed the Order.

The Commission heard the appeal by way of telephone conference call on December 7, 2022. The Tenants failed to appear. Mr. Camus was present.

## **Disposition**

The Commission finds that the Appellants were advised of the date, time and method of participation. While Ms. Fisher had requested a postponement via email at 4:09 p.m. of the previous day, she was advised by Commission staff via email at 4:13 p.m. that the only way to change the hearing date was to call into the hearing at the scheduled time and request a postponement from the Commissioners themselves. When the Appellants failed to call into the hearing, the Commission panel waited while Commission staff telephoned the telephone number provided in the Notice of Appeal. An unidentified male answered the phone, provided an alternate number for Ms. Fisher, and Commission staff called that number, the call going to voicemail. A detailed message was left and the Commission waited several more minutes before commencing the hearing.

The appeal is dismissed as the Appellants failed to appear and the appeal is deemed abandoned. Director's Order LD22-384 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, Erica Fisher and Steven Praught, failed to appear and thus the appeal is deemed abandoned.
2. Director's Order LD22-384 is confirmed and remains in full force and effect.
3. A certified copy of this Order, along with a certified copy of Order LD22-384 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 7<sup>th</sup> day of December, 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.