



Docket: LR22071

Order: LR22-68

IN THE MATTER of an appeal, under section 25 of the *Rental of Residential Property Act (the "Act")*, filed by Patrick McGee against Order LD22-420 issued by the Director of Residential Rental Property and dated November 24, 2022.

BEFORE THE COMMISSION ON Monday,
December 12, 2022

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

Hearing Date: Monday, December 12, 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 an eviction notice was valid.

BACKGROUND

Patrick McGee (“Mr. McGee”) entered into a written fixed term rental agreement for premises located at 27 Elena Court, Apartment 10B, Charlottetown, PE (the “Premises”) with JC Property Management (the “Landlord”). Rent for the Premises is \$1,228 per month with a security deposit paid in the amount of \$800.

On October 19, 2022, Mr. McGee was served with a notice of termination for breaches of s.14(1)(e) of the *Act* (the “First Form 4”). The effective date of the First Form 4 was November 18, 2022.

On October 28, 2022, Mr. McGee filed with the Director a set aside application (“Form 6”).

On November 3, 2022, Mr. McGee was served with another termination notice for non-payment of rent in the amount of \$2,456.00 (the “Second Form 4”). The effective date of the Second Form 4 was November 23, 2022.

On November 14, 2022, Mr. McGee filed with the Director a set aside application (the “Second Form 6”).

In Order LD22-420 dated November 24, 2022, the Director found that the First Form 4 was valid and ordered that the rental agreement between the parties be terminated and Mr. McGee must vacate the Premises by 11:59 p.m. on November 30, 2022. The Director made no finding with respect to the Second Form 4.

Mr. McGee appealed.

The Commission heard the appeal by way of telephone conference call on December 12, 2022. Mr. McGee participated. Cody MacDonald (“Mr. MacDonald”), the Landlord’s representative, also participated.

Disposition

The appeal is dismissed and Director’s Order LD22-420 is confirmed.

The Issue

Did the Director correctly determine that the Notice of Termination dated October 19, 2022 is valid?

Analysis

Mr. McGee testified that he is trying to find a new place to live but rental housing is in short supply. He would like to be able to stay until the end of December.

Mr. MacDonald stated that this matter has gone on long enough and thus he requests that the Director’s Order be confirmed.

The circumstances provide strong support for a termination of the rental agreement pursuant to s.14(1)(e) of the Act. Accordingly, the Commission confirms Director's Order LD22-420.

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.
2. Order LD22-420 is confirmed.

DATED at Charlottetown, Prince Edward Island, Monday, December 12, 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.