



Docket: LR22072

Order: LR22-69

IN THE MATTER of an appeal, under section 25 of the *Rental of Residential Property Act (the "Act")*, filed by Kayley Perry against Order LD22-418 issued by the Director of Residential Rental Property and dated November 28, 2022.

BEFORE THE COMMISSION ON Wednesday, December 14, 2022

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

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

BACKGROUND

Kayley Perry (“Ms. Perry”) entered into a written fixed term rental agreement for premises located at 19 Bills Lane, Charlottetown, PE (the “Premises”) with Kings Square Affordable Housing Corp. (the “Landlord”). Rent for the Premises is \$989.80 per month with a security deposit paid in the amount of \$459.

On October 19, 2022, Ms. Perry was served with a Notice of Termination by Lessor of Rental Agreement for breaches of s.14(1)(a) of the *Act* (the “Form 4”). The effective date of the Form 4 was December 1, 2022.

On October 21, 2022, Ms. Perry filed with the Director a set aside application (“Form 6”).

In Order LD22-418 dated November 28, 2022, the Director found that the Form 4 was valid and ordered that the rental agreement between the parties be terminated and Ms. Perry must vacate the Premises by 11:59 p.m. on December 9, 2022.

Mr. Perry appealed.

The Commission heard the appeal by way of telephone conference call on December 12, 2022. Ms. Perry participated. Bill Campbell (“Mr. Campbell”), the Landlord’s representative, also participated, along with Thomas Smith, Heather Smith, Tammy Sanderson, Shukri Mahamed and Barelin Nurjuesy.

Disposition

The appeal is dismissed and Director’s Order LD22-418 is confirmed.

The Issue

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

Analysis

The Commission heard testimony which is in accordance with the written statements on file.

The Commission finds that there is no new evidence which would warrant disturbing the findings of the Director. Accordingly, the appeal is dismissed and Director’s Order LD22-418 is confirmed.

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. **Director's Order LD22-418 is confirmed.**
3. **A certified copy of this Order, along with Order LD22-418, may be filed in the Supreme Court and enforced by Sheriff Services as permitted by the Act.**

DATED at Charlottetown, Prince Edward Island, Wednesday, December 14, 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.