



Docket: LR23011

Order: LR23-10

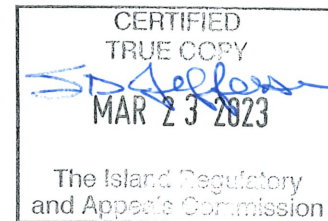
IN THE MATTER of an appeal, under section 25 of the *Rental of Residential Property Act* (the "Act"), filed by Kevin and Donna Gillcash, against Order LD23-069 issued by the Director of Residential Rental Property, dated February 24, 2023.

BEFORE THE COMMISSION ON Thursday, March 23, 2023.

Panel Chair - Erin T. Mitchell, Commissioner

M. Douglas Clow, Vice-Chair

Hearing Date: Wednesday, March 22, 2023



ORDER

This appeal asks the Commission to determine whether the Director of Residential Rental Property (the "Director") erred in finding that rent is outstanding and an eviction notice was valid.

BACKGROUND

Kevin Gillcash ("Mr. Gillcash") rents an apartment at 19-300 Jennifer Street, Summerside, PE (the "Premises") from McInnis Group (1993) Ltd. (the "Landlord").

On January 6, 2023, Mr. Gillcash was served with a Notice of Termination by Lessor of Rental Agreement for pursuant to s. 13 of the *Act* (the "Form 4"). The effective date of the Form 4 was January 26, 2023.

On February 9, 2023, the Landlord filed an application with the Director requesting an order that: possession of the Premises be surrendered to the Lessor and directing the Sheriff to put the Landlord in possession; a finding that rent is owed; and an order that an amount found to be owed be paid (the "Application").

In Order LD23-069 dated February 24, 2023, the Director found that the Application was valid and ordered that the rental agreement be terminated effective February 28, 2023 at 11:59 p.m.; that Mr. Gillcash pay to the Landlord \$1,950.00 forthwith upon receipt of the Order; and a certified copy of the Order could be filed with the Supreme Court and enforced by Sheriff Services as permitting by the *Act*.

Mr. Gillcash appealed the Order.

The Commission heard the appeal by way of telephone conference call on March 22, 2023. Mr. Gillcash participated. The Landlord was represented by Shelley Paynter ("Ms. Paynter").

Disposition

The appeal is dismissed.

The Issue

Did the Director correctly determine that the Notice of Termination dated January 6, 2023 was valid, and that rent was owing?

Analysis

Mr. Gillcash acknowledged that he owes rent for the months of January, February and now March 2023. He stated that he will be leaving the Premises on March 31, 2023.

Ms. Paynter requested that the rental agreement be terminated as soon as possible.

The Commission determines that the rental agreement be terminated on March 31, 2023 at 11:59 p.m. The Commission also determines that rent is owed in the amount of \$2,925.00.

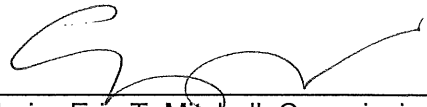
NOW THEREFORE, pursuant to the *Island Regulatory and Appeals Commission Act* and the *Rental of Residential Property Act*;

IT IS ORDERED THAT


1. The appeal is dismissed.
2. The rental agreement between the parties shall terminate effective 11:59 p.m. on March 31, 2023. Kevin Gillcash and all occupants shall vacate the Premises by this date and time.
3. Kevin Gillcash shall pay the Landlord, McInnis Group (1993) Ltd., \$2,925.00 forthwith upon receipt of this Order.
4. A certified copy of this Order may be filled in the Supreme Court and enforced by Sheriff Services as permitted by the *Act*.

DATED at Charlottetown, Prince Edward Island, this 23rd day of March, 2023.

BY THE COMMISSION:



Panel Chair - Erin T. Mitchell, Commissioner



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.