



Docket: LR23019
Order: LR23-12

IN THE MATTER of an appeal, under section 25 of the *Rental of Residential Property Act* (the “Act”), filed by John Blackall, against Order LD23-118 issued by the Director of Residential Rental Property, dated March 31, 2023.

BEFORE THE COMMISSION ON Monday, April 17, 2023.

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

Hearing Date: Thursday, April 13, 2023

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

John Blackall (“Mr. Blackall”) rents an apartment at Unit 217, 9 Champion Court, Charlottetown, PE (the “Premises”) from PEI Housing Corporation (the “Landlord”).

On March 3, 2023, Mr. Blackall was served with a Notice of Termination by Lessor of Rental Agreement for pursuant to s. 14 of the *Act* (the “Form 4”). The effective date of the Form 4 was April 3, 2023. On March 10, 2023, Mr. Blackall filed a set aside application (the “Application”) with the Director.

In Order LD23-118 dated March 31, 2023, the Director found that the Form 4 was valid and ordered that the rental agreement be terminated effective April 6, 2023 at 5:00 p.m. 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. Blackall appealed the Order.

The Commission heard the appeal by way of telephone conference call on April 13, 2023. Mr. Blackall participated. The Landlord was represented by Lori Johnston (“Ms. Johnston”). Teresa Burns also participated for the Landlord.

Disposition

The appeal is dismissed and Director’s Order LD23-118 is confirmed.

The Issue

Did the Director correctly determine that the Notice of Termination dated March 3, 2023 was valid?

Analysis

Mr. Blackall denied most of the allegations.

Ms. Johnston reviewed numerous concerns documented by the Landlord.

The Commission has reviewed the documents on file, including emails and case notes prepared by the Landlord over the past several months. The Commission finds that the actions of Mr. Blackall were contrary to clauses 14(1)(a) and 14(1)(e) of the *Act*.

The Commission agrees with the findings set out in Order LD23-118. Accordingly, the Commission confirms Director’s Order LD23-118.

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 LD23-118 is confirmed.

DATED at Charlottetown, Prince Edward Island, this 17th day of April, 2023.

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.