



**Docket: LR23022**  
**Order: LR23-19**

**IN THE MATTER** of an appeal, under section 25 of the *Rental of Residential Property Act* (the "Act"), filed by Virginia Arsenault, against Order LD23-124 issued by the Director of Residential Rental Property, dated April 4, 2023.

**BEFORE THE COMMISSION ON** Tuesday, June 6, 2023.

Panel Chair – J. Scott MacKenzie, K.C., Chair  
M. Douglas Clow, Vice-Chair

Hearing Date: Friday, June 2, 2023

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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

Virginia Arsenault (“Ms. Arsenault”) rents Apartment #2, 279 Fitzroy Street, Summerside, PE (the “Premises”), from 102503 PEI Inc. (the “Landlord”). Rent for the Premises is \$825 per month due on the first day of the month. A security deposit of \$800 was required and paid.

On March 20, 2023, Ms. Arsenault filed with the Director a set aside application (the “Application”). Attached to the Application was a March 4, 2023 notice of termination (the “Notice”) citing breaches of sections 13, 14(1)(a) and 14(1)(b) of the *Act*. The effective date of the Notice was March 25, 2023. The Application states that Ms. Arsenault received the Notice on March 7, 2023.

In Order LD23-124 dated April 4, 2023, the Director dismissed the Application and found that the Notice was valid. The Director ordered that the rental agreement be terminated effective April 14, 2023 at 11:59 p.m. and that a certified of the Order could be filed with the Supreme Court and enforced by Sheriff Services as permitting by the *Act*.

Ms. Arsenault appealed the Order.

- The Commission heard the appeal by way of telephone conference call on June 2, 2023. Ms. Arsenault participated. George Villaluz (“Mr. Villaluz”) appeared on behalf of the Landlord. Kathy Chiechi and Sandeep Kunhi Ppurayil were present on the call with Mr. Villaluz.

## Disposition

The appeal is dismissed and Director’s Order LD23-124 is confirmed, subject to a revised termination date.

## Analysis

Ms. Arsenault acknowledged that the last month she paid rent was February 2023. She stated that there were circumstances why the rent was not paid after that time.

Mr. Villaluz confirmed that no rent has been paid for the months of March, April, May and June of 2023.

The *Act* requires a tenant to pay rent and does not excuse the payment of rent for any circumstances. The Commission finds that Ms. Arsenault has not paid rent since February 2023.

Accordingly, the Commission agrees with the findings contained in Director’s Order LD23-124.

In order to allow the Premises to be vacated in an orderly manner, the rental agreement is terminated effective 5:00 p.m. on June 21, 2023.

**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 LD23-124 is confirmed, subject to a revision of the termination date.
3. The rental agreement between the parties shall terminate effective 5:00 p.m. on June 21, 2023. Ms. Arsenault shall vacate the Premises by this date and time.
4. Ms. Arsenault shall remain liable for rent owing up to the date of termination.
5. A certified copy of this Order may be filed in the Supreme Court and enforced by Sheriff Services as permitted by the *Act*.

**DATED** at Charlottetown, Prince Edward Island, this 6th day of June, 2023.

**BY THE COMMISSION:**

(sgd. J. Scott MacKenzie, K.C.)

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Panel Chair – J. Scott MacKenzie, K.C.,  
Chair

(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.