



PRINCE EDWARD ISLAND

Regulatory & Appeals Commission

Commission de réglementation et d'appels

ÎLE-DU-PRINCE-ÉDOUARD

**Date Issued: June 16, 2023**

**Docket: LR23033**

**Type: Rental Appeal**

INDEXED AS: Jimmy Savard v. Charlottetown Area Housing Authority

Order No: LR23-27

**BETWEEN:**

Jimmy Savard

**Appellant**

**AND:**

Charlottetown Area Housing Authority

**Respondent**

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## ORDER

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Panel Members:

J. Scott MacKenzie, K.C., Chair  
M. Douglas Clow, Vice-Chair  
Murray MacPherson, Commissioner

Compared and Certified a True Copy

(Sgd.) Susan Jefferson

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Commission Administrator  
Corporate Services and Appeals

## **1. INTRODUCTION**

1. This appeal was heard by the Commission on June 13, 2023, and asks the Commission to determine whether the Director of Residential Rental Property (the "Director") erred in finding that an eviction notice was valid.

## **2. BACKGROUND**

2. In May 2021, Jimmy Savard (the "Tenant") entered into a rental agreement for the premises located at 251 Dorchester Street, Charlottetown PE (the "Premises") with the Charlottetown Area Housing Authority (the "Landlord"). Rent for the Premises is \$375.00 per month due on the first day of each month. A security deposit was not required.
3. On March 22, 2023, Mr. Savard was served with a Notice of Termination by Lessor of Rental Agreement (the "Form 4") pursuant to subsection 14(1)(a) of the Rental of Residential Property Act (the "RRPA"). The effective date of the Form 4 was April 21, 2023.
4. On March 27, 2023, Mr. Savard filed with the Director a set aside application (the "Application").
5. In Order LD23-208, dated May 16, 2023, the Director found that the Application was invalid and ordered that the rental agreement be terminated effective May 23, 2023, at 5:00 p.m. and that a certified copy of the Order could be filed with the Supreme Court and enforced by Sheriff Services as permitted by the RRPA.
6. Mr. Savard appealed the Order.
7. As this matter commenced prior to April 8, 2023, the RRPA applies to this appeal.
8. The Commission heard the appeal by way of telephone conference call on June 13, 2023. Mr. Savard participated. The Landlord was represented by Erin Donnelly ("Ms. Donnelly").

## **3. DISPOSITION**

9. The appeal is dismissed and Director's Order LD23-208 is confirmed, subject to a revised termination date.

## **4. ANALYSIS**

4. Mr. Savard stated that the letters on file prejudged him. He stated that the high traffic of people going in and out of the Premises was because he was trying to offer a service to people. He described himself as a "giver" to people in need and he denies the allegations made against him. A Facebook post under Mr. Savard's name invited people to come and stay in the Premises with him as he had lots of room. Even though this is precisely what

Mr. Savard said he was doing by helping people and providing a service to others, Mr. Savard suggested this Facebook post was not his doing, but was posted by someone who had childish behaviors and accessed his Facebook account.

5. Ms. Donnelly stated that there were numerous disturbances in or about the Premises. Incidents of fighting and people in nearby residences had tenants feeling bullied and scared. She stated that what Mr. Savard stated reflects “his point of view”. Ms. Donnelly explained that as manager of this program, her role is to look after everyone. She noted that Mr. Savard is now two months behind in his rent, has received oral and written warnings in the past, and maintenance staff have observed concerning activity.
6. The Commission notes that the documentary evidence of problems at the premises contains letters received from other tenants, neighbours and Charlottetown Police Services. The evidence shows there were significant problems with Mr. Savard and others he permitted to be in and about the Premises over a long period of time. The Commission takes note that there were 42 Police calls to the Premises between September, 2021 and April, 2023. There were a further 10 Police calls to the Premises from April, 2023, to June, 2023. Some of these calls occurred after the May 16, 2023 Director’s Order LD23-208 was issued confirming the eviction of Mr. Savard. Evidence was received at the appeal hearing that as late as May 25, 2023, and June 6, 2023, Mr. Savard allowed two individuals to be on the Premises who caused disturbances.
7. The Commission finds that the evidence supports a finding that the rental agreement should be terminated pursuant to subsection 14(1)(a) of the RRPA.
8. Accordingly, the Commission agrees with the findings and outcome contained in Director’s Order LD23-208, subject to a revision of the termination date to June 29, 2023 at 5:00 p.m.

## **5. CONCLUSION**

9. The Commission has determined that the Director was correct in finding that an eviction notice was valid.

**IT IS ORDERED THAT:**

1. The appeal is dismissed.
2. Director's Order LD23-208 is confirmed, subject to a revision of the termination date.
3. The rental agreement between the parties shall terminate at 5:00 p.m. on June 29, 2023, and the lessee Jimmy Savard shall vacate the Premises by this date and time.
4. A certified copy of this Order may be filed in the Supreme Court and enforced by Sheriff Services as permitted by the Rental of Residential Property Act.

**DATED** at Charlottetown, Prince Edward Island, Friday, June 16, 2023.

**BY THE COMMISSION:**

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

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J. Scott MacKenzie, K.C., Chair

(sgd. M. Douglas Clow)

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M. Douglas Clow, Vice-Chair

(sgd. Murray MacPherson)

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Murray MacPherson

**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.