



Date Issued: July 31, 2023
Docket: LR23056
Type: Rental Appeal

INDEXED AS: Mark Crozier v. 101728 P.E.I. Inc dba Bakers Lighthouse Motel
Order No: LR23-36

BETWEEN:

Mark Crozier

Appellant

AND:

101728 P.E.I. Inc. dba Bakers Lighthouse Motel

Respondent

ORDER

Panel Members:

M. Douglas Clow, Vice-Chair
Murray MacPherson, Commissioner

CERTIFIED TRUE COPY



Philip J. Rafuse,
Appeals Administrator
Prince Edward Island Regulatory and
Appeals Commission

1. INTRODUCTION

1. This appeal was filed with the Commission on July 24, 2023, and asked the Commission to determine whether the Residential Tenancy Office (the “Rental Office”) erred in finding that the tenancy agreement between the parties should be terminated.

2. BACKGROUND

2. Around 2019 or 2020, Mark Crozier (the “Tenant”) entered into a rental agreement for the premises located at 1-802 Water Street East, Summerside, PE (the “Premises”) with 101728 P.E.I. Inc. dba Bakers Lighthouse Motel (the “Landlord”). Rent for the Premises is \$900.00 per month with a security deposit paid of \$900.00.
3. On June 9, 2023, the Landlord served a Form 4A Eviction Notice on the Tenant. On June 16, 2023, the Tenant filed a Form 2A Tenant Application to Determine Dispute with the Rental Office. A hearing was held before a Residential Tenancy Officer on July 17, 2023, and Order LD23-331 was issued on July 19, 2023.
4. On July 24, 2023, the Tenant filed a Notice of Appeal with the Commission, with the assistance of a representative of a non-government support organization called Homeless Helper. The Commission set a hearing date of July 27, 2023, notified the Landlord and notified the Tenant’s representative at Homeless Helper.
5. At the telephone conference hearing on July 27, 2023 at 1:30 p.m., Victor Zhou appeared on behalf of the Landlord. The Tenant did not appear, nor did his representative. Commission staff attempted to contact the Tenant’s representative by telephone and email. Commission staff also attempted to call a friend of the Tenant who had been listed as a telephone contact. The Tenant has no telephone or email address.
6. During the hearing, Commission staff reviewed the emails and Notice of Hearing advising the Tenant’s representative of the date, time and method of participation of the hearing.
7. The Commission found that notice to the Tenant’s representative was sufficient and determined at 2:00 p.m. that the appeal was abandoned, some 30 minutes after the scheduled start time and some 20 minutes after the extra telephone and email reminders had been provided to the representative.
8. After the close of business on July 27, 2023, the Commission was advised by the Tenant’s representative that Homeless Helper had attempted to locate the Tenant to participate but was unable to find him. The representative stated that she understood that the Tenant “... has now lost his appeal by default”.

3. DISPOSITION

9. The appeal is dismissed, as the Commission deemed the appeal abandoned as neither the Tenant, nor a representative, attended the hearing.

IT IS ORDERED THAT

1. The appeal is dismissed. The Commission deemed the appeal abandoned as neither the Tenant, nor a representative, attended the hearing.
2. Order LD23-331 of the Residential Tenancy Office is confirmed in its entirety.
3. The tenancy agreement between the parties shall terminate effective 5:00 p.m. on July 31, 2023. The Tenant and all occupants shall vacate the Residential Property by this time and date.
4. A certified copy of this Order may be filed in the Supreme Court and enforced by Sheriff Services as permitted by the Residential Tenancy Act, RSPEI 1988, R-13.11.

DATED at Charlottetown, Prince Edward Island, Monday, July 31, 2023.

BY THE COMMISSION:

(sgd. M. Douglas Clow)

M. Douglas Clow, Vice-Chair

(sgd. Murray MacPherson)

Murray MacPherson, Commissioner

NOTICE

Subsections 89 (9), (10) and (11) of the *Residential Tenancy Act* provides as follows:

(9) A landlord or tenant may, within 15 days of the decision of the Commission, appeal to the Court of Appeal in accordance with the *Island Regulatory and Appeals Commission Act* R.S.P.E.I. 1988, Cap. I-11, on a question of law only.

(10) Where the Commission has confirmed, reversed or varied an order of the Director, the landlord or tenant may file the order with the Supreme Court.

(11) Where an order is filed under subsection (10), it may be enforced as if it were an order of the Supreme Court.

