



**Date Issued:** July 31, 2023  
**Docket:** LR23053  
**Type:** Rental Appeal

INDEXED AS: Kaitlynn Corey v. New London Bay Motel Inc.

Order No: LR23-37

**BETWEEN:**

Kaitlynn Corey

**Appellant**

**AND:**

New London Bay Motel Inc.

**Respondent**

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**ORDER**

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Panel Members:

J. Scott MacKenzie, K.C., Chair  
Murray MacPherson, Commissioner

CERTIFIED TRUE COPY



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

## **1. INTRODUCTION**

1. This appeal was heard by the Commission on July 31, 2023, and asks the Commission to determine whether the Residential Tenancy Officer (the “Rental Officer”) erred in finding that the tenancy agreement should be terminated.

## **2. BACKGROUND**

2. On October 1, 2022, Kaitlynn Corey (the “Tenant”), entered into a tenancy agreement for the premises located at 10539 Route 6, Unit 8, New London, PE (the “Premises”) with New London Bay Motel Inc. (the “Landlord”). Rent for the Premises is \$1,050 per month.
3. On May 16, 2023, the Tenant filed with the Residential Tenancy Office an application to determine dispute (the “Application”). Attached to the Application was an Eviction Notice (the “Notice”) dated May 16, 2023 citing unpaid rent in the amount of \$5,000 and that the Tenant is repeatedly late in paying rent. The effective date of the Notice was June 16, 2023.
4. In Order LD23-315 the Rental Officer denied the Application and ordered the termination of the tenancy agreement effective 5:00 p.m. on July 19, 2023; and that the Tenant and all occupants vacate the Premises by that time and date.
5. The Tenant filed an appeal with the Commission.
6. The Commission heard the appeal on July 31, 2023, by way of telephone conference call. The Tenant participated. The Landlord was represented by Allison Smith (“Mr. Smith”).

## **3. DISPOSITION**

7. The Commission accepted the Tenant’s withdrawal of the appeal and with the consent of the Landlord varied the termination of the tenancy agreement to Friday August 4, 2023 at 5:00 p.m.

## **4. ANALYSIS**

8. The Tenant told the Commission that she wished to withdraw the appeal. She also asked for a few more days to move out of the Premises. The Landlord consented to terminate the tenancy agreement on August 4, 2023 at 5:00 p.m. The Commission accepted the withdrawal request and will vary the termination date.

## 5. CONCLUSION

9. The tenancy agreement will terminate at 5:00 p.m. on August 4, 2023. In all other respects, Order LD23-315 is confirmed.

### IT IS ORDERED THAT

1. The appeal is withdrawn, subject to a variation in the date of termination consented to by the Landlord.
2. The tenancy agreement is terminated on August 4, 2023 at 5:00 p.m. The Tenant and all occupants must vacate the Premises by that time and date.
3. 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<sup>st</sup>, 2023.

### BY THE COMMISSION:

(sgd. J. Scott MacKenzie)

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J. Scott MacKenzie, K.C., Chair

(sgd. Murray MacPherson)

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Murray MacPherson, Commissioner

### NOTICE

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

89. (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.