



Date Issued: August 28, 2023
Docket: LR23065
Type: Rental Appeal

INDEXED AS: Kim Coughlin v. Daniel Cantin
Order No: LR23-46

BETWEEN:

Kim Coughlin

Appellant

AND:

Daniel Cantin

Respondent

ORDER

Panel Members:

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

Compared and Certified a True Copy

(Sgd.) Susan Jefferson

Commission Administrator
Corporate Services and Appeals

1. INTRODUCTION

1. This appeal was heard by the Commission on August 28, 2023, and asks the Commission to determine whether the Director of Residential Rental Property (the “Director”) erred in finding that a landlord does not owe rent to a tenant.

2. BACKGROUND

2. In December, 2022, Kim Coughlin (the “Tenant”) entered into a verbal rental agreement for a mini-home trailer located at 1 Vivianlee Court, Summerside, PE (the “Premises”) with Daniel Cantin (the “Landlord”). The Tenant paid the Landlord \$700 to be able to move into the Premises on December 15, 2022 and then rent for the Premises would be \$1400 per month due on the first day of the month. No security deposit was paid.
3. On December 14, 2022, the Tenant advised the Landlord that she would not be moving into the Premises.
4. On January 5, 2023, the Tenant filed with the Director a Form 2 (“the “Application”) requesting a finding that rent is owed and an order that an amount found to be owed be paid.
5. In Order LR23-353 dated July 27, 2023, the Director denied the Application.
6. On August 8, 2023, the Tenant filed an appeal with the Commission.
7. As this matter commenced prior to April 8, 2023, the *Residential Rental Property Act* (the “RRPA”) applies to this appeal.
8. The Commission heard the appeal by way of telephone conference call on August 28, 2023. Neither the Tenant nor the Landlord participated.
9. At the hearing, Commission staff reviewed on the record the emails and reminder emails sent to both parties to advise them of the date, time and method of participation for the hearing.

3. DISPOSITION

10. The Commission is satisfied that both parties were made fully aware of the date, time and method of participation for the hearing. The Tenant filed an appeal but failed to participate at the hearing. The Commission therefore deems the appeal to be abandoned and thus the appeal is dismissed.

IT IS ORDERED THAT

1. **The appeal is dismissed as the Tenant abandoned the appeal.**
2. **Order LD23-353 remains in full force and effect.**

DATED at Charlottetown, Prince Edward Island, Monday, August 28, 2023.

BY THE COMMISSION:

(sgd. M. Douglas Clow)

M. Douglas Clow, Vice-Chair

(sgd. Murray MacPherson)

Murray MacPherson, Commissioner

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.