



Date Issued: December 20, 2023
Docket: LR23116
Type: Rental Appeal

INDEXED AS: Yacoub Sidding Abdallah v. Tiffany McMurrer and Cody Guthrie
Order No: LR23-82

BETWEEN:

Yacoub Sidding Abdallah

*[also known as Yacoub Siddig Abdallah, Seddric Abdll, Yacoub Seddric,
Sedrik Abdo]*

Appellant

AND:

Tiffany McMurrer and Cody Guthrie

Respondents

ORDER

Panel Members:

M. Douglas Clow, Vice-Chair
Kerri Carpenter, Commissioner

Compared and Certified a True Copy

(Sgd.) Michelle Walsh-Doucette

Commission Clerk

Corporate Services and Appeals

1. INTRODUCTION

1. This appeal was heard by the Commission on December 19, 2023, and asks the Commission to determine whether the Residential Tenancy Office (the “Rental Office”) erred in finding that a landlord is responsible to remediate a residential property and return rent to his tenants.

2. BACKGROUND

2. On September 1, 2021, Yacoub Sidding Abdallah [*also known as Yacoub Siddig Abdallah, Seddric Abdll, Yacoub Seddric, Sedrik Abdo*] (the “Landlord”) entered into a written fixed-term rental agreement for the premises located at **21512 Trans-Canada Highway – Route 1, North Tyron, PE** (the “Premises”) with Tiffany McMurrer and Cody Guthrie (the “Tenants”). Rent for the Premises was \$1,800 per month with a security deposit required and paid in the amount of \$1,000.00.
3. On September 19, 2023, the Tenants filed with the Rental Office an Application to Determine Dispute (the “Application”) seeking compensation in the amount of \$9,000 in rent returned and a finding that the Tenants are not responsible for paying rent for October and November, 2023 in the amount of \$3,600.
4. On November 6, 2023, the Landlord filed his own Application to Determine Dispute (the “Landlords’ Application) seeking outstanding rent in the amount of \$6,800.
5. On November 15, 2023, the Rental Office heard the matters and on November 24, 2023, issued Order LR23-549 which ordered that:
 - A. *The Landlord shall take immediate steps to have a professional company begin and continue to remediate the Residential Premises of the cockroach infestation and mold issue;*
 - B. *The Landlord shall return and pay the Tenants \$1,800.00 on or before December 21, 2023.*
 - C. *The Tenants are not responsible to pay October 2023 rent;*
 - D. *The Tenants are not responsible to pay November 2023 rent:*
 - E. *The tenancy agreement between the parties will terminate by agreement on November 20, 2023.”*
6. On December 1, 2023, the Landlord filed an appeal of Order LD23-549 with the Commission.
7. The Commission heard the appeal on December 19, 2023, by way of telephone conference call. The Landlord participated. The Tenants also participated.

3. DISPOSITION

8. The Commission denies the appeal and confirms Order LD23-549.

4. ANALYSIS

9. The Landlord testified that there was “nothing wrong with the house”. He stated that he later saw the house and it was dirty. He stated that the Tenants did not pay rent yet he had electricity, heat and internet bills to pay.
10. The Tenants testified that the Landlord never went inside the house since they moved in so he could not assess whether it was dirty. They testified that they moved into the Premises on September 1, 2021. Within a few weeks they started noticing tiny bugs they thought were silverfish. By the summer of 2022 they had identified the bugs as German Cockroaches and had notified the Landlord. The Landlord bought store spray and had the tenants spray inside. This did not help. The Tenants contacted Environmental Health in February 2023. The Landlord was ordered to contact a professional pest control company within 10 days of the February 21, 2023 report. The Tenants testified that the Premises were not sprayed until May 5, 2023 and treatment was not performed each week as recommended by the pest control company. The Tenants stayed in their camper trailer from May to September 2023 only using the Premises for cooking and showering. The Tenants stated that they moved out of the Premises on November 23, 2023, and were forced to leave many of their possessions behind as they did not want to infest their new home.
11. The Commission finds that the Landlord failed to take effective action when he was first notified of the cockroach infestation in the summer of 2022. Instead of hiring a professional pest control company, he purchased insect spray from a store and had the Tenants spray. Ultimately the Tenants contacted Environmental Health. The Landlord failed to follow the requirements of Environmental Health and the first spray only occurred in May 2023.
12. The matter was referred to Environmental Health again which issued another report on October 13, 2023. The matter escalated further and the Chief Public Health Officer issued an Order on October 20, 2023.
13. The Commission finds that the Landlord’s conduct in avoiding and delaying effective treatment and ignoring the requirements of Environmental Health was shocking. There is no evidence before the Commission to disturb the findings and outcome of Order LD23-549. The Commission agrees with, and adopts the findings and outcome set out in Order LD23-549.

5. CONCLUSION

14. The appeal is dismissed. Order LD23-549 confirmed.

IT IS ORDERED THAT

1. The appeal is dismissed.
2. Order LD23-549 is confirmed.
3. For greater certainty, the Commission emphasizes the following from Order LD23-549:
 - A. The Landlord shall take immediate steps to have a professional company begin and continue to remediate the Residential Premises of the cockroach infestation and mold issue;
 - B. The Landlord shall return and pay the Tenants \$1,800.00 on or before December 21, 2023.
 - C. The Tenants are not responsible to pay October 2023 rent;
 - D. The Tenants are not responsible to pay November 2023 rent;
 - E. The tenancy agreement between the parties will terminate by agreement on November 20, 2023.

DATED at Charlottetown, Prince Edward Island, 20th day, December, 2023.

BY THE COMMISSION:

(sgd. M. Douglas Clow)

M. Douglas Clow, Vice-Chair

(sgd. Kerri Carpenter)

Kerri Carpenter, 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.