PRINCE EDWARD ISLAND
Regulatory & Appeals Commission
Commission de réglementation et d'appels
ÎLE-DU-PRINCE-ÉDOUARD

Date Issued: **April 23, 2024**
Docket: **LR24022**
Type: **Rental Appeal**

INDEXED AS: Wood v. Casey

Order No: LR24-18

BETWEEN:

Chelsey Wood

Appellant

AND:

Adam Casey

Respondent

ORDER

Panel Members:

Kerri Carpenter, Commissioner and Panel Chair

M. Douglas Clow, Vice-Chair

A. INTRODUCTION

1. This was an appeal of Order LD24-096 of the Residential Tenancy Office ("Rental Office").

2. In Order LD24-096 the Rental Office heard an ex parte application, pursuant to subsection 43(7) of the *Residential Tenancy Act* ("Act"), made by the Landlord, Adam Casey ("Landlord"). Order LD24-096 permitted the Landlord to dispose of tenants' personal property any time after 1:00 p.m. on March 22, 2024.

3. On March 22, 2024, the Tenant, Chelsey Wood, filed an appeal of Order LD24-096. The appellant sought more time to collect the personal property.

4. On April 19, 2024, Commission staff served both parties, via email, with a letter of procedure, a Notice of Hearing, an exhibit list and exhibits. These documents informed both parties that the appeal had been scheduled for a hearing on April 23, 2024, at 10:30 a.m. by way of telephone conference call and explained the process to call into the hearing.

5. On April 22, 2024, the parties were again contacted by email by Commission Staff and by email with attached updated exhibit list and exhibits. All emails which were sent to the Appellant were sent to the email address used by the Appellant to file the appeal. Commission staff also made numerous attempts to reach the Appellant by telephone using the telephone numbers listed on the Notice of Appeal. Staff was informed that the Appellant's mobile phone was no longer accepting calls as it is not in service. Staff was also informed that the Appellant was no longer staying at the residence with the landline number.

6. On April 23, 2024, Commission staff sent a further reminder email to the Appellant at 9:22 a.m.

7. On April 23, 2024, the Commission commenced the hearing, at the scheduled time of 10:30 a.m., by way of telephone conference call.

8. When the hearing began at 10:30 a.m., the Appellant was not on the telephone conference line. Commission Staff then sent a further reminder email at 10:34 a.m. to the Appellant to inform her the hearing had commenced and she should dial in to the telephone hearing. The Commission waited for approximately 10 minutes but the Appellant did not join the conference call.

9. At 10:45 a.m., the Commission noted the absence of the Appellant on the record, referenced the email and telephone attempts to contact the Appellant and, in accordance with Rule 29 of the Commission's Rules of Practice and Procedure, the Commission deemed the appeal abandoned because the Appellant failed to appear at the hearing, despite receiving notice of the date, time and method of participation for the appeal hearing.

B. DISPOSITION

10. The appeal is deemed abandoned in accordance with Rule 29(1)(d) of the Commission's Rules of Practice and Procedure and, therefore, the Commission makes no disposition with respect to the merits of the appeal.

IT IS ORDERED THAT

1. **The appeal is dismissed.**

DATED at Charlottetown, Prince Edward Island, the 23th day of April, 2024.

BY THE COMMISSION:

Kerri Carpenter, Commissioner and Panel Chair

M. Douglas Clow, Vice-Chair

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.