



Date Issued: July 4, 2024
Dockets: LR24040
Type: Rental Appeal

INDEXED AS: Gordon Bernard v. Cheryl Taylor and Gary Taylor
Order No: LR24-37

BETWEEN:

Gordon Bernard (the "Tenant")

Appellant

AND:

Cheryl Taylor and Gary Taylor (the "Landlords")

Respondents

ORDER

Panel Members:

Kerri Carpenter, Commissioner
Cynthia McCardle, Commissioner

Compared and Certified a True Copy

(Sgd.) Michelle Walsh-Doucette

Commission Clerk

Island Regulatory and Appeals Commission

A. INTRODUCTION

1. This appeal was heard by the Commission on July 2, 2024, and asks the Commission to determine whether the Residential Tenancy Office (the "Rental Office") erred in finding that the tenancy be terminated on June 30, 2024.

B. BACKGROUND

2. On May 15, 2024 the Tenant filed a *Tenant Application to Determine Dispute* (Form 2(A)) (the "Application") with the Residential Tenancy Office (the "Rental Office") disputing an *Eviction Notice* (Form 4(A)) dated May 9, 2024 and effective June 30, 2024 (the "Notice").

3. The Notice was served to the Tenant for the following reasons, as stated in the Notice:

*You have permitted an unreasonable number of occupants in the rental unit;
You or someone you have allowed on the property have disturbed or endangered others;
You or someone you have allowed on the property have engaged in illegal activity on the property;
You have failed to comply with a material term of the tenancy agreement; and
You have knowingly given false information about the rental unit.*

4. On June 6, 2024 a teleconference hearing was held with the parties before the Residential Tenancy Officer (the "Officer") for determination of the Application. The Tenant, the Tenant's representative (the "Representative"), the Landlords and the Landlords' witness participated in the hearing.
5. The Officer issued Order LD24-190 on June 12, 2024, which terminated the tenancy effective June 30, 2024, at 4:00 pm.
6. The Tenant appealed Order LD24-190 on June 13, 2024.
7. The Commission heard the appeal on July 2, 2024, by way of telephone conference. The Tenant, Gordon Bernard, and his representative Julie Larter participated. The Landlords, Cheryl Taylor and Gary Taylor, participated. Colleen Walsh testified for the Landlords.

C. DISPOSITION

8. The appeal is dismissed and Order LD24-190 is confirmed.

D. SUMMARY OF EVIDENCE

9. At the outset of the hearing, the Tenant confirmed that the appeal was being made only in respect of the amount of time given to vacate the property. The Tenant did not appeal the eviction itself. As such, the only issue before the Commission is the appropriate date upon which the Tenant and all occupants must vacate the Rental Unit.

E. ANALYSIS

10. The Tenant was evicted for cause, under Section 61(1)(d) of the *Residential Tenancy Act* (the "Act"), which requires at least 30 days notice except in extraordinary circumstances. The Landlord's Notice of Eviction dated May 9, 2024, required the Tenant to vacate no later than June 30, 2024. As a result of the Tenant filing a Tenant Application to dispute the eviction, upon the Rental Office determining that the eviction is valid, the termination date was set at June 30, 2024, which is a full 52 days after the notice was given.
11. The Commission finds that in these circumstances, the Tenant has had sufficient time and notice. The Rental Office order was issued June 12th and the appeal relates only to when the Tenant must vacate. He has known since June 12th that he will vacate the Rental Unit.
12. The Commission finds that an appropriate timeline is fifteen (15) days from the date of this Order.

F. CONCLUSION

13. The appeal is dismissed and Order LD24-190 is confirmed. The Tenant must vacate the rental unit within 15 days of the date of this Order.

IT IS ORDERED THAT

1. **The appeal is dismissed.**
2. **Order LD24-190 is confirmed.**
3. **The Tenancy shall terminate at 5:00 PM on July 19, 2024. The Tenant and all occupants shall vacate the Rental Unit on or before that date.**
4. **The Tenant shall pay rent up to the date that the Tenant and all occupants vacate the Rental Unit. Rent for the month of July shall be pro-rated accordingly.**
5. **A certified copy of this Order may be filed in the Supreme Court and enforced by Sheriff Services as permitted by the Act.**

DATED at Charlottetown, Prince Edward Island, 4th day of July, 2024.

BY THE COMMISSION:

(sgd. Kerri Carpenter)
Kerri Carpenter, Commissioner

(sgd. Cynthia McCardle)
Cynthia McCardle, 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.