



Date Issued: September 20, 2024
Dockets: LR24057
Type: Rental Appeal

INDEXED AS: Alicia MacArthur v. PEI Housing Services
Order No: LR24-57

BETWEEN:

Alicia MacArthur (the "Tenant")

Appellant

AND:

PEI Housing Services (the "Landlord")

Respondent

ORDER

Panel Members:

M. Douglas Clow, Acting Chair
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 September 19, 2024, and asks the Commission to determine whether the Residential Tenancy Office (the “Rental Office”) erred in finding that the tenancy agreement between the parties shall terminate effective 5:00 pm on August 19, 2024. The Tenant and all occupants must vacate the Rental Unit by this time and date.

B. BACKGROUND

2. On July 25, 2024 the Landlord’s representatives (the “Representatives”) filed a *Form 2 (B) Landlord Application to Determine Dispute* (the “Application”) with the Residential Tenancy Office (the “Rental Office”) seeking earlier termination of the tenancy agreement. The Application was posted to the entrance of the Rental Unit.

3. The Application’s particulars state:

“Many complaints from neighbors about illegal activity on property, damages to unit, derelict vehicles in yard and driveway, police involvement.”

4. On August 8, 2024 at 11:00 a.m., a teleconference hearing was scheduled to begin before the Residential Tenancy Officer (the “Officer”). The Representatives and the Tenant called into the teleconference hearing. However, at the beginning of the hearing, the Tenant requested an adjournment. The Tenant wanted additional time to review the EP and was seeking legal aid assistance and representation. The Officer granted the adjournment until August 12, 2024 at 9:00 a.m. The Rental Office emailed the parties a new notice of a teleconference hearing.
5. On August 12, 2024 at 9:00 a.m. a teleconference hearing was held before the Officer. The Representatives and the Tenant participated in the hearing.
6. On August 12, 2024, the Residential Tenancy Office issued Order LD24-255, which ordered that the tenancy agreement between the parties shall terminate effective 5:00 pm on August 19, 2024. The Tenant and all occupants must vacate the Rental Unit by this time and date.
7. The Tenant appealed Order LD24-255 on August 19, 2024.
8. The Commission heard the appeal on September 19, 2024, by way of telephone conference. The Tenant did not participate. The Landlord, PEI Housing Services, was represented by Lori Johnston.

C. DISPOSITION

9. At the commencement of the hearing at 2:30 PM, the Appellant failed to call in. Commission staff then attempted to telephone the Appellant using the telephone number noted on her Notice of Appeal as well as another number for the Tenant provided by Ms. Johnston. Commission staff also emailed the Appellant using the email address on her

Notice of Appeal requesting that she call in to the hearing. The Appellant did not respond to these reminder telephone calls or the reminder email and did not join the conference call phone line. The Commission then concluded the appeal hearing at 2:45 PM.

10. The Commission finds that the Appellant was fully informed of the date, time and method of participation by way of an August 26, 2024 email and also by way of a Notice of Appeal Hearing sent with the Commission evidence package by email on September 13, 2024. Both Commission emails used the email address the Appellant specified on her Notice of Appeal. Further, the Appellant had used that same email address to file her Notice of Appeal.
11. As the Appellant failed to participate in her appeal, the Commission therefore deems the appeal to be abandoned, the appeal is dismissed. Order LD24-255 remains in full force and effect, subject to the termination date of the tenancy agreement being amended to October 5, 2024 at 5:00 PM.

IT IS ORDERED THAT

1. **The appeal is deemed to be abandoned and is therefore dismissed.**
2. **Order LD24-255 is confirmed and remains in full force and effect, subject to a change in the effective date of the termination of the tenancy agreement, to October 5, 2024 at 5:00 PM. The Tenant and All Occupants must vacate the rental unit located at 2B – 2 Linden Avenue, Charlottetown Prince Edward Island prior to this date and time.**
3. **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, 20th day of September, 2024.

BY THE COMMISSION:

(sgd. M. Douglas Clow)
M. Douglas Clow, Acting Chair

(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.