



**Date Issued:** December 20, 2024  
**Dockets:** LRLR24086  
**Type:** Rental Appeal

INDEXED AS: Bruce Stafford v. Sara Ramsarran and Patrick Ramsarran  
Order No: LR24-74

**BETWEEN:**

Bruce Stafford (the "Tenant")

**Appellant**

**AND:**

Sarah Ramsarran and Patrick Ramsarran (the "Landlords Representatives")

**Respondents**

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## ORDER

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Panel Members:

M. Douglas Clow, Acting Chair  
Murray MacPherson, Commissioner

Compared and Certified a True Copy

(Sgd.) Michelle Walsh-Doucette

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Commission Clerk  
Island Regulatory and Appeals Commission

## A. INTRODUCTION

1. This appeal was heard by the Commission on December 10, 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 will terminate effective 5:00 pm on November 27, 2024.

## B. BACKGROUND

2. This appeal concerns a rental unit located at 76 Anne Avenue (the “Rental Unit”). The Tenants Bruce Andrew Law Stafford, Mary Christine Louise Stafford and Aaron Drew Stafford (together the “Tenants”) entered into a written, fixed-term tenancy for the period of July 1, 2024, to June 30, 2025. Rent is \$2,600.00 due on the first day of each month. The Tenants paid a security deposit of \$2,600.00.
3. On October 4, 2024 the Landlords Representatives served the Tenants with a *Form 4 (A) Eviction Notice* (the “Notice”) for non-payment of rent. The effective date in the Notice was October 25, 2024.
4. On October 28, 2024 the Landlords Representatives filed a *Form 2 (B) Landlord Application to Determine Dispute* (the “Application”) with the Residential Tenancy Office (the “Rental Office”). The Application requests an Order for vacant possession of the Unit and for the Sheriff to put the Landlord in possession, which is the subject of this decision. The Landlords Representatives emailed the Tenants the Application and posted a copy to the Unit’s front door.
5. The Application also included a monetary claim for rent owing, which is the subject of a further decision.
6. On October 28, 2024 the Tenants tried to file a *Form 2 (A) Tenant Application to Determine Dispute* with the Rental Office to dispute the Notice. However, the Rental Office rejected the application because the Tenants only had ten days from receiving the Notice to dispute it under subsection 60(4) of the *Residential Tenancy Act* (the “Act”).
7. On November 12, 2024 the Landlords Representatives and the Tenant Bruce Stafford participated at the hearing. At the hearing, the Application was amended to increase the monetary claim for rent owing.
8. The Residential Tenancy issued Order LD24-390 on November 20, 2024, which ordered that the tenancy agreement between the parties will terminate effective 5:00 pm on November 27, 2024. The Tenants must vacate the Unit by this time
9. The Tenant, Bruce Stafford, appealed Order LD24-390 on November 25, 2024.
10. The Commission heard the appeal on December 10, 2024, by way of telephone conference. The Tenant, Bruce Stafford, attended the hearing. The Landlords Representatives, Sara Ramsarran and Patrick Ramsarran, attended the hearing.

## **C. DISPOSITION**

11. The appeal is dismissed. Order LD24-390 is confirmed, subject to a revised termination date for the tenancy agreement.

## **D. ISSUE**

12. Does the *Act* require the tenancy agreement to be terminated?

## **E. SUMMARY OF EVIDENCE**

13. The Tenant, Bruce Stafford, testified as to his efforts to transfer funds to pay the rent after his accounts were frozen. He stated that he wants to pay but is waiting for access to his funds to do so. He also noted that his van broke down and he has been paying for taxis to take him to and from work.
14. The Landlords Representatives stated that no rent has been received for the Rental Unit since August 1, 2024. As of the Commission hearing date, the current rental arrears are \$10,412.45. The Landlords Representatives stated that the eviction needs to proceed so that new tenants who have the funds to pay rent can move in.

## **F. ANALYSIS**

15. The parties agree that rent is in arrears. In Order LD24-390, the total amount of rent outstanding was calculated as \$7,787.45 which included \$2,400.00 owing for September 2024, \$2,600.00 for October 2024, \$2,600.00 for November 2024, a July to September water bill of \$112.45 and three NSF fees of \$25.00 each. Since the issue date of Order LD24-390 on November 20, 2024, December's rent of \$2,600.00 has been added to the arrears along with a further \$25.00 NSF charge for a total of \$10,412.45.
16. The *Act* does not provide special consideration for inability to pay, financial hardship or for the freezing of financial accounts.
17. Subsection 60(1) of the *Act* states:

*A landlord may end a tenancy if rent is unpaid after the day it is due, by giving a notice of termination effective on a date that is not earlier than 20 days after the date the tenant receives the notice.*

18. The Notice was served on October 4, 2024 with an effective date of October 25, 2024. The Notice was not invalidated under clause 60(4)(a) of the *Act*. That clause states:

*Within 10 days after receiving a notice of termination under this section, the tenant may*

*(a) pay the overdue rent, in which case the notice of termination has no effect.*

19. The Tenants did attempt to dispute the Notice; however, that application was filed outside of the 10-day time period to file an application pursuant to clause 60(4)(b) of the *Act*. Accordingly, the Tenants must vacate the Rental Unit.

## **G. CONCLUSION**

20. The appeal is dismissed. Order LD24-390 is confirmed with a revised date of termination for the tenancy agreement.

## **IT IS ORDERED THAT**

1. **The appeal is dismissed.**
2. **Order LD24-390 is confirmed, subject to a revised termination date.**
3. **The tenancy agreement between the parties will terminate effective 5:00 p.m. on January 6, 2025. The Tenants and all occupants must vacate the Rental Unit by this date and time.**
4. **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, 20<sup>th</sup> day of December, 2024.

## **BY THE COMMISSION:**

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

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(sgd. Murray MacPherson)  
Murray MacPherson

## **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.