



**Date Issued:** January 31, 2025  
**Docket:** LR24090  
**Type:** Rental Appeal

Order No: LR25-05

**BETWEEN:**

Ozgur Noyan Aydin

**Appellant (Tenant)**

**AND:**

Rana Malakie

**Respondent (Landlord)**

---

## PRELIMINARY ORDER

---

Panel Members:

M. Douglas Clow, Acting Chair  
Kerri Carpenter, Commissioner

Compared and Certified a True Copy

(Sgd.) Michelle Walsh-Doucette

---

Commission Clerk

Island Regulatory and Appeals Commission

# 1. INTRODUCTION

1. This order arises out of an appeal of Order LD24-438 of the Residential Tenancy Office.
2. On December 31, 2024, the Tenant appealed Order LD24-438, which denied his application seeking a return of rent due to an unlawful rent increase on the basis that the Tenant did not submit sufficient evidence to establish the Landlord had unlawfully increased the rent.
3. The Tenant's appeal was scheduled for hearing by the Commission on January 28, 2025.
4. On morning of scheduled hearing, the Landlord advised Commission Staff that they would not be attending the scheduled hearing.
5. As a result, the Commission adjourned the schedule hearing to a date and time to be fixed.
6. The Commission is of the opinion that information and evidence is required from the Landlord to fairly adjudicate this appeal. Therefore, the Commission issues this Order requiring the Landlord to answer questions and produce documentary evidence.

# 2. BACKGROUND AND REASONS

7. On July 24, 2023, the Tenant and the Landlord entered into a written, fixed-term tenancy agreement for the period of August 15, 2023, to July 31, 2024 (the "Tenancy Agreement") for a rental unit located at 598 Queen Street, Charlottetown (the "Rental Unit"). Rent was set at \$2,350 per month. The Tenant paid a security deposit of \$2000.
8. The Tenancy Agreement was included as evidence before the Commission. It is the Standard Form of Tenancy Agreement approved by the Director of Residential Tenancy. However, while the Standard Form agreement requires landlords to disclose the amount of rent that was charged to previous tenants at clause 5, the Tenancy Agreement between the parties left this section blank.
9. Subsection 11(2) of the *Residential Tenancy Act* requires landlords to ensure that a tenancy agreement complies with the requirements of the *Act*. Clause 11(2)(g) specifically requires landlords to include in a tenancy agreement:
  - (g) the amount of rent that was charged, and the services and facilities that were provided, to the previous tenant of the rental unit, unless there was no previous tenant;
10. Presently, there is no evidence before the Commission suggesting there was not a previous tenant in the Rental Unit. Therefore, compliance with clause 11(2)(g) of the *Act* is expected.
11. The evidence before the Commission does include a receipt submitted by the Landlord and dated May 15, 2023 from a *prospective* tenant who never moved into the rental unit. However, on its own, this receipt does not satisfy the Commission with respect to the Landlord's compliance with subsection 11(2)(g) of the *Residential Tenancy Act*.

12. Rule 46 of the Commission's Rules of Practice and Procedure permits the Commission to request parties to file any further information, material or documents that the Commission considers necessary for a complete understanding of an issue in a hearing.
13. Rule 48 of the Rules of Practice and Procedure permits the Commission to order the exchange of documents between parties.
14. Therefore, in accordance with the Commission's Rules of Practice and Procedure, the Commission issues this Order requiring the Landlord to provide information and documentary evidence in respect of this appeal:
  - (a) The Commission orders the Landlord to respond to the following questions:
    - i. Was the Rental Unit rented to a previous tenant before July 24, 2023?
    - ii. If so, what was the amount of rent that was charged, and the services and facilities that were provided, to the most recent previous tenant of the Rental Unit?
  - (b) The Commission orders the Landlord to disclose the following documents:
    - i. Documentary evidence to corroborate the amount of rent charged, and the services and facilities that were provided, to the previous tenant of the Rental Unit, including, for example, banking statements, receipts, or other documents.
15. Please note, in accordance with Rule 63 of the Commission's Practice and Procedures, if the Landlord fails to comply with a direction of the Commission, the Panel may, for example:
  - disregard all or part of the Landlord's evidence;
  - dismiss the proceedings, in favour of the Appellant (Tenant);
  - find the Landlord in contempt and make application to a Justice of the Supreme Court of Prince Edward Island to compel obedience in the same manner as for contempt of court; and/or
  - make such other order that the Commission considers appropriate in the circumstances.

### **3. ORDER**

16. **The Commission orders the Landlord to respond to the following questions on or before 4:00 p.m. on Wednesday, February 10, 2025:**
  - i. **Was the Rental Unit rented to a previous tenant before July 24, 2023?**

- ii. If so, what was the amount of rent that was charged, and the services and facilities that were provided, to the most recent previous tenant of the Rental Unit?

17. The Commission orders the Landlord to disclose the following documents on or before 4:00 p.m. on Wednesday, February 10, 2025:

- i. Documentary evidence to corroborate the amount of rent charged, and the services and facilities that were provided, to the previous tenant of the Rental Unit, including, for example, banking statements, receipts, or other documents.

18. The Landlord shall respond to these questions and provide these documents in writing via email to the Commission Clerk.

**DATED** at Charlottetown, Prince Edward Island, **January 31, 2025**

**BY THE COMMISSION:**

(sgd. Kerri Carpenter)

---

Kerri Carpenter, Commissioner, Panel Chair

(sgd. M. Douglas Clow)

---

M. Douglas Clow, Acting Chair

**NOTICE**

**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.