



PRINCE EDWARD ISLAND

Regulatory & Appeals Commission

Commission de réglementation et d'appels

ÎLE-DU-PRINCE-ÉDOUARD

Date Issued: June 6, 2025
Dockets: LR25026
Type: Rental Appeal

INDEXED AS: Jessica Lynn Hooley v. Ed Keunecke
2025 PEIRAC 20 (CanLII)
Order No: LR25-18

BETWEEN:

Jessica Lynn Hooley (the “Tenant”)

Appellant

AND:

Ed Keunecke (the “Landlord”)

Respondent

ORDER

Panel Members:

Pamela J. Williams, K.C., Chair
Gordon MacFarlane, 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 June 2, 2025, and asks the Commission to determine whether the Residential Tenancy Office (the “Rental Office”) erred in finding that tenancy between the parties will terminate.

B. BACKGROUND

2. This appeal concerns a rental unit located at 2-62 Walthen Drive, Charlottetown, PEI (the “Rental Unit”). The Rental Unit is a bachelor apartment with one-bathroom in a 4-unit building (“Residential Property”).
3. On October 7, 2024 the parties entered into an oral monthly tenancy agreement. Rent is \$690.00 due on the first day of the month. A \$690.00 security deposit was paid at the beginning of the tenancy.
4. The parties were involved in an earlier Rental Office dispute regarding the end of the tenancy, which was determined in Order LD25-017. The tenancy was ordered to continue.
5. On January 30, 2025 the Landlord served the Tenant with a *Form 4(A) Eviction Notice* with an effective date of February 28, 2025 (“Notice”) for disturbing others and causing damage in the Unit due to smoking.
6. On February 7, 2025 the Tenant filed a *Form 2(A) Tenant Application to Determine Dispute* (“Application”) with the Rental Office disputing the Notice. There was an “other” claim stated on the Application; however, the Tenant did not submit evidence or participate in the hearing to provide greater detail regarding the claim.
7. On February 21, 2025 the Rental Office emailed the parties notice of a teleconference hearing scheduled for March 6, 2025. The Landlord requested an adjournment which was permitted.
8. On March 7, 2025 the Rental Office emailed the parties an updated notice of teleconference hearing scheduled for March 25, 2025. The Tenant requested an adjournment which was permitted.
9. On April 25, 2025 the Rental Office mailed and emailed the parties another updated notice of teleconference hearing scheduled for May 6, 2025.
10. On April 29, 2025 the Rental Office emailed the parties a 22-page complete evidence package.
11. On May 5, 2025 the Rental Office accepted additional evidence submitted by the Landlord. The additional evidence included one document and one video recording, which was forwarded to the Tenant. Order LD25-017 was also included as “Director’s Evidence.”

12. On May 6, 2025 the Landlord's representative ("Representative"), and two witnesses joined the teleconference hearing. The Tenant did not join the hearing. At the beginning of the hearing the Residential Tenancy Officer telephoned the Tenant twice, and left a voicemail message with the teleconference instructions and the Rental Office's telephone number and emailed the Tenant. The Residential Tenancy Officer waited ten-minutes before moving forward with the hearing in the Tenant's absence.
13. On May 7, 2025, the Residential Tenancy Office issued Order LD25-162 which ordered that tenancy between the parties will terminate effective 5:00 pm. on May 14, 2025.
14. The Tenant appealed Order LD25-162 on May 8, 2025, and sought an extension of the tenancy termination date to allow her more time to find alternate housing and denied the allegations that led to the tenancy termination.
15. The Commission heard the appeal on June 2, 2025, by way of telephone conference. The Tenant, Jessica Lynn Hooley, did not attend the tele-hearing. Chris Thompson attended on behalf of the Landlord, Ed Keunecke.
16. The applicable legislation is the *Residential Tenancy Act*, cap. R-13.11 (the "Act").

C. DISPOSITION

17. The Tenant's appeal is deemed abandoned and the matter dismissed as she did not participate at the appeal hearing. Order LD25-162 is therefore confirmed.

D. ISSUES

18. Should the Tenant's appeal be deemed abandoned?

E. SUMMARY OF NOTICE PROVIDED TO TENANT

19. On May 22, 2025, an email was sent to the Tenant at the email address specified on her Notice of Appeal. This email attached a Letter, a Notice of Hearing, an Exhibit List and Exhibits. Exhibits E-32 and E-33 were too large to attach so they were sent via a secure file share platform. Zoom instructions were provided in email. The Notice of Hearing and Exhibit List specified a hearing date of Monday June 2, 2025 at 10:30 a.m.
20. On May 29, 2025, a second email was sent to the Tenant with attached Exhibit List and Exhibits. Zoom instructions were provided in this email as well. The Exhibit List noted the hearing date and time near the top of the first page.
21. On June 2, 2025, at 10:32 a.m. an email was sent to the Tenant asking her to dial in to the tele-hearing. Zoom instructions were again provided.
22. On June 2, 2025, at 10:33 a.m. staff attempted to call the Tenant, the call was sent to voice mail so staff left a message for the Tenant to join the hearing.

F. ANALYSIS

23. After waiting 10 minutes to allow the Tenant an opportunity to join the hearing, the Commission deemed the appeal to be abandoned and accordingly the appeal was dismissed and Order LD25-162 confirmed. Reasons for this decision follow.
24. Where the party who filed the appeal, the appellant, fails to participate in their appeal, the Commission reviews the record to ensure that adequate notice of the date, time and method of participation has been provided to that party. In the event that adequate notice is provided and there are no defects, such as an error in the email address used, the Commission will ordinarily deem the appeal abandoned, dismiss the appeal and confirm the original Order of the Rental Office. This approach is consistent with Rule 29 of the Commission's Rules of Practice & Procedure which reads:

29. Abandonment of an Appeal or Application

1. The Commission may deem an appeal or application to have been abandoned where, upon notice to the appellant or applicant, they have failed to:

(a) communicate with the Commission in a timely manner;

(b) respond to Commission inquiries, requests, or direction;

(c) file submissions or documentation with the Commission when directed to do so;

(d) or appear at a pre-hearing conference, preliminary hearing, or a hearing.

Emphasis added.

25. In the present appeal, the appellant is the Tenant and she failed to appear at her own appeal hearing. The Commission therefore reviewed the record to ensure the Tenant was provided with adequate notice.
26. The Commission further notes that there is no record of the Tenant filing a withdrawal of her appeal.
27. The Commission finds that the Tenant was provided with ample notice of the date, time and method of participation using the email address the Tenant entered on her Notice of Appeal form. When the Tenant failed to connect to the hearing, she was provided an email reminder to connect. A telephone call was also placed to the Tenant using the phone number she entered on her Notice of Appeal form.
28. The Commission notes that the May 22, 2025 two-page letter to the Tenant contains the following section dealing with hearing attendance:

ATTENDANCE AT HEARING

Please note that your participation at this tele-hearing is mandatory. Failure by you to participate at the tele-hearing will result in the Commission finding that you have abandoned your appeal and will issue an Order placing the Residential Tenancy

Office's Order LD25-162 back into immediate force and effect. Please be advised that such Order will be posted on our public website with all names included.

29. The Commission also notes that the May 22, 2025 letter also provides the date and time of the hearing, instructions for the Zoom hearing by either telephone or web browser, information concerning the proposed exhibit list, details on how to submit new evidence and the deadline for such evidence, the procedure if an appellant wishes to withdraw the appeal (noting the hearing is then cancelled and no Order appears on the Commission website), a link to the Commission Rules of Practice & Procedure and a link to the Commission's frequently asked questions for rental appeals.
30. As a final comment, the Commission notes that the Appellant has made no contact with the Commission since the date of the hearing.
31. As the Tenant was advised by the May 22, 2025 letter of the consequences of a failure to appear at the hearing and yet failed to appear at her own appeal despite ample notice, the Commission deems the appeal to have been abandoned as no withdrawal of the appeal was filed. Therefore, the appeal is dismissed. Accordingly, the Commission confirms Order LD25-162.

G. CONCLUSION

32. The Tenant's appeal is deemed abandoned and the matter is dismissed. Order LD25-162 is confirmed.

IT IS ORDERED THAT

1. **The appeal is deemed abandoned and the matter dismissed.**
2. **Order LD25-162 is confirmed.**
3. **Pursuant to Order LD25-162, the tenancy between the parties was ordered to be terminated at 5:00 pm. on May 14, 2025. The Tenant and all occupants must immediately vacate the Rental Unit.**

DATED at Charlottetown, Prince Edward Island, 6th day of June, 2025.

BY THE COMMISSION:

[sgd. Pamela J. Williams, K.C.]

Pamela J. Williams, K.C., Chair

[sgd. Gordon MacFarlane]

Gordon MacFarlane, 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.