



PRINCE EDWARD ISLAND

Regulatory & Appeals Commission

Commission de réglementation et d'appels

ÎLE-DU-PRINCE-ÉDOUARD



Date Issued:

July 4, 2025

Dockets:

LR25034

Type:

Rental Appeals

INDEXED AS: Giffen et al. v. DeVries and DeVries

Order No: LR25-28

BETWEEN:

Yvonne Giffen, Makayla Plante, Tifara Plante and Janoah Plante

Appellants (Tenants)

AND:

Stephen DeVries and Thamara DeVries

Respondents (Landlords)

DIRECTION REGARDING PROCEDURE

Panel Members:

Pamela Williams, K.C, Chair
Gordon MacFarlane, Commissioner

1. INTRODUCTION

1. This Direction Regarding Procedure is made in respect of the Commission's Docket LR25034 (the "Appeal"). The Tenants filed this Appeal with the Commission on June 19, 2025. It is an appeal of Order LD25-215 of the Residential Tenancy Office issued on June 17, 2025.
2. On June 27, 2025, the parties were notified that this Appeal would be set down for hearing on July 8, 2025, at 1:30 p.m.
3. On Sunday, June 29, 2025, the Tenants made a request via email to reschedule the hearing on the basis of extenuating circumstances, in accordance with the Commission's Scheduling, Rescheduling, and Adjournment Policy. The Landlords have objected to the Tenants' request.
4. In response, the Commission issues this Direction Regarding Procedure to provide the parties with direction on how the Appeal will proceed.

2. COMMISSION'S DECISION

5. In light of the submissions and requests of the parties, the Commission confirms that **the in-person hearing scheduled for July 8, 2025, at 1:30 p.m. will not proceed as previously scheduled.**
6. Given the nature of this matter and the challenges with scheduling this appeal in a timely and efficient manner on a date that is available for the Tenants, Landlord and the Commission, and in the interests of ensuring the matter proceeds in a way that balances the rights and interests of both parties, the Commission has determined the hearing of this Appeal will be conducted in writing, in accordance with Rule 41 of the Commission's Rules of Practice and Procedure.
7. The paper-based hearing will proceed in accordance with the procedural directions that follow at paragraph 29 onward.

3. BACKGROUND AND PROCEDURAL HISTORY

A. APPLICATIONS BEFORE THE RESIDENTIAL TENANCY OFFICE

8. On February 3, 2025, the parties entered into a written, fixed-term tenancy agreement. Rent in the amount of \$2,900.00 was due monthly.
9. The parties to this matter were involved in a prior eviction dispute resulting in Order LD25-150, issued by the Residential Tenancy Office ("Rental Office") on April 24, 2025. The Landlords appealed Order LD25-150 on May 5, 2025. However, on May 20, 2025, the Commission exercised its discretion to hold the Landlords' appeal in abeyance pending the outcome of multiple additional applications filed with the Rental Office by both parties. The Landlords' appeal of Order LD25-150 was withdrawn on Friday, July 4, 2025.
10. In early May 2025, both parties filed multiple additional applications with the Rental Office:

(1) On May 2, 2025, the Tenants filed a Form 2(A) Tenant Application to Determine Dispute seeking a return of rent and compensation for breach of their right to quiet enjoyment;

(2) On May 5, 2025, the Landlords served the Tenants with four (4) Form 4(A) Eviction Notices:

(a) The first and second notice were with respect to non-payment of rent, disturbing and endangering others, causing damage to the Unit and breaching a material term of the tenancy agreement;

(b) The third notice was for disturbing and endangering others, damage to the unit, and breaching a material term of the tenancy agreement;

(c) The fourth notice was for non-payment of rent in the amount of \$2,900.00.

(these notices are collectively referred to herein as the “Notices”)

(3) On May 7, 2025, the Landlords filed a Form 2(B) Landlord Application to Determine Dispute seeking earlier termination of the tenancy agreement; and

(4) On May 15, 2025, the Tenants filed a second Form 2(A) Tenant Application to Determine Dispute disputing the Notices and seeking to set them aside.

11. The Rental Office held a paper-based hearing in respect of these multiple applications and issued two Orders on June 17, 2025: Order LD25-215 and Order LD25-216.

12. Order LD25-215, the subject of the appeal before the Commission, found that the notices were valid with regard to non-payment of rent and denied the Tenants’ Application to set aside the Notices. Order LD25-215 ordered the tenancy terminated effective June 24, 2025, at 5:00 p.m. The Order declined to make a finding on the Landlords’ other reasons in the Notices for ending the tenancy agreement.

13. Order LD25-216 denied the Tenants’ application seeking a return of rent and additional compensation for breach of the tenancy agreement. That Order also dismissed the Landlords’ application seeking earlier termination of the tenancy agreement.

B. PROCEDURAL HISTORY BEFORE THE COMMISSION

14. For clarity, the only appeal before the Commission is with respect to Order LD25-215. Order LD25-216 was not appealed to the Commission by either party.

15. On June 19, 2025, the Tenants filed a Notice of Appeal with the Commission of Oder LD25-215. The Notice of Appeal states the following as reasons for the appeal and the relief sought:

Reasons:

1. *7 days is not enough time.*

2. *It is hard finding a rental open to large families.*

Relief sought: *More time.*

16. On Tuesday, June 24, 2025, the Tenants served the Landlords with the Notice of Appeal, in accordance with sections 89(3) and 89(5) of the *Residential Tenancy Act*.
17. On Friday, June 27, 2025, at approximately 3:30 p.m., Commission Staff notified the parties in writing that the Commission had scheduled an in-person hearing for Tuesday, July 8, 2025, at 1:30 p.m. The parties were also advised that arrangements had been made with Canadian Hearing Services to have an ASL interpreter attend the hearing virtually.
18. On Sunday, June 29, 2025, the Tenants made a request via email to reschedule the scheduled hearing on the basis of extenuating circumstances.
19. On Wednesday, July 2, 2025, at 9:57 a.m. Commission Staff responded to the Tenants via email, requesting that they provide two (2) alternative dates within two weeks of the scheduled hearing in accordance with the Commission's Scheduling, Rescheduling, and Adjournment Policy. Commission Staff emailed this request to the Tenants a second time at 1:28 p.m. on Wednesday, July 2, 2025.
20. On Thursday, July 3, 2025, at 2:44 p.m. Commission Staff made a third request to the Tenant to provide two (2) alternative dates within two weeks of the scheduled hearing in accordance with the Commission's Scheduling, Rescheduling, and Adjournment Policy.
21. On Thursday, July 3, 2025, at 5:16 p.m. the Tenants responded in writing advising that they were busy and had upcoming appointments on unknown dates, but suggesting they were available on July 16, 2025.
22. On Thursday, July 3, 2025, at 2:47 p.m. Commission Staff advised the Landlords' Legal Counsel of the request for rescheduling. On Friday, July 4, 2025, at 8:58 a.m., the Landlords' submitted a written objection to the Tenants' rescheduling request and asked that the request be denied.
23. As noted above at paragraph 5, the Commission confirms that **the in-person hearing scheduled for July 8, 2025, at 1:30 p.m. will not proceed as previously scheduled.**
24. However, given the nature of this matter and the challenges with scheduling this appeal in a timely and efficient manner on a date that is available for the Tenants, Landlord and the Commission, and in the interests of ensuring the matter proceeds in a way that balances the rights and interests of both parties, the Commission has determined the hearing of this Appeal will be conducted in writing, in accordance with Rule 41 of the Commission's Rules of Practice and Procedure.
25. The paper-based hearing will proceed in accordance with the procedural directions that follow.

4. EXHIBIT BOOK

26. The Commission has prepared an Exhibit Book in respect of the Appeal.
27. The Exhibit Book is comprised of 159 exhibits. It totals 834 pages and includes twelve (12) videos.

28. The Exhibit Book was circulated to the parties electronically via a secure file sharing platform, TitanFile, on Friday, June 27, 2025, at approximately 3:30 p.m.

5. PROCEDURAL DIRECTION

29. To ensure this Appeal proceeds in an orderly and timely manner that is fair, the Commission issues the following Procedural Direction:

- i. The Commission hereby gives notice that the hearing of the Appeal will be conducted in writing in accordance with Rule 41 of the Commission's Rules of Practice and Procedure (the "Paper-Based Hearing").
- ii. The Hearing Panel will consider the submissions and evidence of the parties already submitted and included in the Exhibit Book, referenced above.
- iii. The Hearing Panel will also consider any additional submissions and evidence of the parties submitted in accordance with the deadlines below at paragraph 30.
- iv. In accordance with Rule 41.2.(b) of the Commission's Rules of Practice and Procedure, upon review of the submissions and evidence of the parties the Commission may:
 - (i) Make a final determination of the matter without an oral hearing; or
 - (ii) Proceed to an in-person hearing.
- v. In order to ensure the Hearing Panel fully and fairly determines the matters in issue on this Appeal, the Hearing Panel retains the discretion to request further evidence and submissions from the parties, or ask questions of the parties in respect of the submissions and evidence submitted, in the event they determine it necessary to determine the Appeal.

30. The following deadlines apply to the Paper-Based Hearing:

- i. The Tenants may submit any additional evidence and prepare a written submission to support the grounds of appeal and relief sought, including documents or exhibits not previously filed, **on or before Wednesday, July 9, 2025, at 12:00 p.m.** These submissions should include raising any preliminary issues with the Hearing Panel.
- ii. The Landlords may submit additional evidence and prepare a written submission to support their position on appeal and in response to the Tenants' submissions and evidence, including documents or exhibits not previously filed, **on or before Thursday, July 10, 2025, at 12:00 p.m.** These submissions should include raising any preliminary issues with the Hearing Panel or responding to any preliminary issues raised by the Tenants.
- iii. The Tenants may reply to the Landlords' submissions and evidence, including any preliminary issues raised by the Landlords, **on or before Friday, July 11, 2025, at 12:00 p.m.**

- iv. Each party is to execute the Certificate Respecting Evidence found at Appendix A of this Direction Regarding Procedure when submitting additional evidence to certify that the evidence is true and accurate to the best of your knowledge, information and belief.
31. Subject to the directions and deadlines outlined herein, the Commission's Rules of Practice and Procedure shall apply to this Hearing.
- 32. The direction and deadlines set out in this Procedural Direction are final and will not be extended.**

DATED at Charlottetown, Prince Edward Island, Friday, July 4, 2025.

BY THE COMMISSION:

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

Pamela J. Williams, K.C., Chair

[sgd. Gordon MacFarlane]

Gordon MacFarlane, Commissioner

APPENDIX "A"

IN THE MATTER OF COMMISSION DOCKET LR25034

BETWEEN:

Yvonne Giffen, Makayla Plante, Tifara Plante and Janoah Plante

Appellants (Tenants)

AND:

Stephen DeVries and Tamara DeVries

Respondents (Landlords)

WHEREAS the Island Regulatory and Appeals Commission has exercised its discretion to conduct the hearing of this matter in writing, in accordance with Rule 41 of the Commission's Rules of Practice and Procedure;

AND WHEREAS this means that the parties will not be present and cannot be affirmed to give evidence;

AND WHEREAS the Commission nevertheless wishes to ensure that evidence submitted by parties is true and accurate;

THEREFORE the Commission requests the parties to this appeal hearing execute this Certificate Respecting Evidence;

CERTIFICATE RESPECTING EVIDENCE

I _____, of _____, Prince Edward Island, **hereby certify as follows:**

1. All evidence I have submitted to the Island Regulatory and Appeals Commission in respect of this proceeding is entirely true and accurate to the best of my knowledge and belief.

Signature of Witness:

Signature of Declarant:

Date: _____

Date: _____