



PRINCE EDWARD ISLAND

Regulatory & Appeals Commission

Commission de réglementation et d'appels

ÎLE-DU-PRINCE-ÉDOUARD

Date Issued: September 3, 2025

Dockets: LR25044

Type: Rental Appeal

INDEXED AS: Keyena Smith and Adam Roberts v. Paula DesRoches

2025 PEIRAC 42 (CanLII)

Order No: LR25-39

BETWEEN:

Keyena Smith and Adam Roberts (the "Tenants")

Appellants

AND:

Paula DesRoches (the "Landlord")

Respondent

ORDER

Panel Members:

Pamela J. Williams, K.C., Chair
Kerri Carpenter, Vice Chair

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Phil Rafuse,
Appeals Administrator
Island Regulatory & Appeals Commission

A. INTRODUCTION

1. This appeal was heard by the Commission on September 2, 2025, and asks the Commission to determine whether the Residential Tenancy Office (the “Rental Office”) erred in finding that the tenancy between the parties will terminate effective 5:00 pm on August 18, 2025.

B. BACKGROUND

2. This appeal concerns a rental unit located at 99 Autumn Street, Summerside, PEI (the “Rental Unit”). The Rental Unit is a one-bedroom, one-bathroom rental unit that the Landlord has owned for 13 or 14 years. The Landlord’s spouse also owns the Unit.
3. The Landlord and the Tenants entered into a written, month-to-month tenancy agreement (the “Tenancy Agreement”) that started on May 26, 2025. Rent of \$1,350.00 was due each month. A security deposit of \$500.00 was required but not paid.
4. On July 1, 2025 the Landlord served the Tenants with a *Form 4(A) Eviction Notice* with an effective date of July 20, 2025 (the “Notice”) for non-payment of rent and the security deposit.
5. The Rental Office noted that the correct vacate date for non-payment of rent was July 21, 2025 under subsection 60(1) of the *Act*. This date is automatically corrected under section 54.
6. On July 3, 2025 the Tenants filed a *Form 2(A) Tenant Application to Determine Dispute* with the Rental Office disputing the Notice and making other claims.
7. On July 24, 2025 the Rental Office sent the parties notice of a teleconference hearing scheduled for August 7, 2025.
8. On July 24, 2025 the Tenants amended their application.
9. On July 28, 2025 the Landlord filed a *Form 2(B) Landlord Application to Determine Dispute* with the Rental Office (the “Landlord Application”) requesting the Tenants to vacate the Unit and for Sheriff Services to put the Landlord in possession. Those matters were determined by the Rental Office in Order LD25-290. The Landlord Application also seeks rent owing; that matter was determined by the Rental Office in Order LD25-291.
10. On July 29, 2025 the Rental Office sent the parties an updated notice of a teleconference hearing.
11. On July 31, 2025 the Tenants amended their application a final time (the “Tenant Application”). The Tenants’ claim disputing the Notice was determined by the Rental Office in Order LD25-290. The Tenants’ other claims were determined by the Rental Office in Order LD25-291.

12. On August 7, 2025 one of the Tenants, the Landlord and the Landlord's representative participated in a teleconference hearing before the Rental Office for determination of the Tenant Application and the Landlord Application.
13. On August 11, 2025, the Rental Office issued Order LD25-290, which ordered that the tenancy between the parties will terminate effective 5:00 pm on August 18, 2025. The Rental office also issued Order LD25-291, which ordered the Tenants to pay the Landlord rent owing in the amount of \$2,351.61, which must be paid by September 11, 2025.
14. The Tenants appealed both Order LD25-290 and Order LD25-291 to the Commission by filing a Notice of Appeal on August 18, 2025.
15. The Commission heard the appeal on September 2, 2025, by way of telephone conference. The Landlord, Paula DesRoches, and the Landlord representative, Laura Chaisson attended the telephone hearing. The Tenants did not participate in the hearing.
16. The applicable legislation is the *Residential Tenancy Act*, cap. R-13.11 (the "Act").

C. DISPOSITION

17. The appeal is deemed abandoned. Orders LD25-290 and LD25-291 remain in effect.

D. NOTIFICATION OF THE TENANTS

18. Commission staff made the following attempts to contact the Tenants using the email address and telephone number provided on their Notice of Appeal form:
 - August 18, 2025 – Receipt of the Notice of Appeal was acknowledged by email.
 - August 19, 2025 – An email containing a letter, Notice of Hearing with the date and time of the hearing, proposed exhibit list, exhibits and instruction on using the zoom platform.
 - August 28, 2025 – An email containing the final exhibit list (also contains date and time of hearing), exhibits and zoom instructions.
 - September 2, 2025 – After the Tenants failed to connect to the hearing, the August 28, 2025 email was re-sent and the Tenants were requested to dial in to the hearing.
 - September 2, 2025 – Telephone calls made at 9:01, 9:05 and 9:08 a.m. The Tenants did not answer the telephone.

E. STATEMENT FROM THE LANDLORD

19. Laura Chaisson stated that the Tenants are still residing in the Rental Unit. She stated that the Tenants have not paid any money towards rent since May 26, 2025.

F. APPEAL ABANDONED

20. The Commission is satisfied that notice of the date, time and participation instructions were provided to the Tenants. The Tenants failed to participate in the hearing of their appeal. Accordingly, pursuant to Rule 29 of the Commission's Rules of Practice and Procedure, this appeal is deemed abandoned.

G. CONCLUSION

21. The appeal is deemed abandoned as the Tenants failed to participate in their own appeal hearing. Accordingly, Orders LD25-290 and LD25-291 remain in full force and effect. The tenancy agreement is terminated effective Friday September 5, 2025 at 5:00 p.m.
22. The Tenants are reminded that when they vacate the Rental Unit, they are to be mindful of their obligations pursuant to subsections 28(3), (4) and (5) of the *Residential Tenancy Act* with respect to ordinary cleanliness and the repair of undue damage.
23. The Tenants are also reminded that they owe rent up to and including the date they vacate the Rental Unit.

IT IS ORDERED THAT

1. The appeal is deemed abandoned.
2. Orders LD25-290 and LD25-291 remain in full force and effect.
3. The tenancy agreement between the parties is terminated effective Friday September 5, 2025 at 5:00 p.m.
4. The Tenants and all occupants shall vacate the Rental Unit and remove all personal property by Friday September 5, 2025 at 5:00 p.m.
5. The Tenants owe rent up to and including the date they vacate the Rental Unit.
6. A certified copy of this Order may be filed in the Supreme Court and enforced by Sheriff Services as permitted by the *Residential Tenancy Act*.

DATED at Charlottetown, Prince Edward Island, 3rd day of September, 2025.

BY THE COMMISSION:

(sgd.) *Pamela J. Williams*

Pamela J. Williams, K.C., Chair

(sgd.) *Kerri Carpenter*

Kerri Carpenter, Vice Chair

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.