



**Date Issued:** April 30, 2026  
**Docket:** LR26015  
**Type:** Rental Appeal

INDEXED AS: Kyra Barlow v. Steve Bernard  
2026 PEIRAC 20 (CanLII)

Order No: LR26-15

**BETWEEN:**

Kyra Barlow (the "Tenant")

**Appellant**

**AND:**

Steve Bernard (the "Landlord")

**Respondent**

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## ORDER

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Panel Members:

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

Compared and Certified a True Copy

(Sgd.) Michelle Walsh-Doucette

Commission Clerk

Island Regulatory and Appeals Commission

## A. INTRODUCTION

1. This was an appeal of Order LD26-093 of the Residential Tenancy Office (“Rental Office”). The appeal was set for hearing by the Commission on April 28, 2026. The Tenant did not attend the appeal hearing and the appeal was, therefore, deemed abandoned by the Panel at the hearing. This Order follows that decision.

## B. BACKGROUND

2. This appeal concerned a rental unit located at 72 Andrews Drive, Kensington, PEI (the “Rental Unit”). The Rental Unit is a single-unit family house owned by the Landlord.
3. On March 30, 2025, the parties entered into an oral tenancy agreement for the Rental Unit, effective May 1, 2025, with no fixed end date. Rent of \$1,000.00 was due on the first day of the month. The Tenant paid the Landlord a \$500.00 security deposit. The Tenant also paid the Landlord \$1,000.00 for the last month of the tenancy.
4. On July 26, 2025, the parties signed a written monthly tenancy agreement (the “Tenancy Agreement”).
5. On August 5, 2025, the Landlord served the Tenant with a first *Form 4(A) Eviction Notice* effective August 31, 2025, for failing to pay rent of \$500.00, for being repeatedly late in paying rent, for permitting an unreasonable number of occupants in the Rental Unit, damaging the Rental Unit, not repairing damage to the Rental Unit, knowingly giving false information about the Rental Unit, and for the end of the employment relationship (the “First Notice”).
6. On August 6, 2025, the Landlord served the Tenant with a second *Form 4(A) Eviction Notice* effective August 31, 2025, for failing to pay rent of \$500.00, for being repeatedly late in paying rent, an order requiring the Rental Unit to be vacated, and for the end of the employment relationship (the “Second Notice”).
7. On August 25, 2025, the Tenant filed an amended *Form 2(A) Tenant Application to Determine Dispute* with the Rental Office seeking to dispute the First Notice and Second Notice, seeking a copy of the tenancy agreement, a return of an overpayment of the security deposit, a determination of a contravention of the *Act*, plus additional compensation (the “Tenant Application”).
8. On September 9, 2025, the Landlord filed a *Form 2(B) Landlord Application to Determine Dispute* with the Rental Office seeking to keep the security deposit, rent owing, utilities, and additional compensation (the “Landlord Application”).
9. The Landlord and Tenant Application will be referred to together as the “Applications.”
10. On September 16, 2025, the Tenant notified the Landlord and the Rental Office that she was no longer disputing the First Notice and Second Notice.
11. On September 24, 2025, the Rental Office sent the parties notice of a teleconference hearing scheduled for November 20, 2025.

12. On October 1, 2025, the Tenant moved out of the Rental Unit.
13. On November 10, 2025, the Rental Office sent the parties notice that the Applications would be determined by way of a paper-based hearing.
14. On March 19, 2026, the Rental Office issued Order LD26-093 which ordered that the Landlord must pay the Tenant \$1,249.42 by April 20, 2026.
15. The Tenant appealed the Order to the Commission on March 30, 2026.
16. On April 9, 2026, Commission staff emailed the parties with a Notice of Hearing, scheduled for April 28, 2026, beginning at 9:00 a.m. The email also included general correspondence and exhibits for the scheduled hearing along with instructions to connect to the hearing. The parties were invited to submit any additional evidence to be included in the final exhibit package.
17. On April 24, 2026, Commission staff emailed the parties with an updated final exhibit list and exhibits for the hearing along with instructions to connect to the hearing.
18. At 8:33 a.m. on April 28, 2026, Commission staff called the Tenant and left a voice mail to remind the Tenant of the hearing. At 8:41 a.m. on April 28, 2026, Commission staff sent an email to the Tenant which again provided the Final Exhibit List and instructions to connect to the hearing.
19. When the hearing was scheduled to begin at 9:00 a.m., the Tenant was not on the telephone conference line. At 9:03 a.m. Commission staff called the Tenant at which time the Tenant advised that she was working in New Brunswick and had not checked her emails. The Tenant requested an adjournment over the phone. The Tenant stated that she would provide the request in writing before the end of the day. Commission staff advised that the Commission would require the request in writing in order to consider the request for adjournment.
20. At 9:50 am, on April 28, 2026, Commission staff emailed the Tenant to confirm that a written request for adjournment is required for consideration by the Panel. The email advised that if the written request was not received by 4:00 p.m., on April 28, 2026, the Appeal would be deemed abandoned.
21. At 1:25 pm, on April 28, 2026, Commission staff again emailed the Tenant to follow up on the email sent at 9:50 am requesting the written request for adjournment.
22. At 12:46 pm, on April 29, 2026, Commission staff called the Tenant and left a voice mail requesting an update. As of the issuance of this Order the Appellant has failed to contact the Commission to request an adjournment.
23. In accordance with Rule 29 of the Commission's Rules of Practice and Procedure, the Commission deems the appeal abandoned because the Appellant failed to appear at the hearing, despite receiving notice of the date, time and method of participation for the appeal hearing and has since failed to respond to Commission inquiries and direction regarding the request for adjournment.

24. In coming to this conclusion, the Commission notes that when parties are given a Notice of Hearing by Commission staff, it is accompanied by a copy of the Commission's Scheduling, Rescheduling, and Adjournment Policy. That Policy states that if a party needs to reschedule a hearing, they must contact the Commission and the other parties in writing within 2 business days of receiving the Notice of Hearing and must provide two alternative dates that are within 2 weeks of the scheduled date. The policy further provides that last minute adjournments are meant for extraordinary circumstances. Last minute adjournments are granted at the discretion of the Commission.
25. In the present case, the Commission did not receive a request for rescheduling from the Tenant in accordance with the Policy.

### **C. DISPOSITION**

26. The appeal is deemed abandoned in accordance with Rule 29(1)(b) and (d) of the Commission's Rules of Practice and Procedure.

### **IT IS ORDERED THAT**

1. **The appeal is deemed abandoned in accordance with Rule 29(1)(d) of the Commission's Rules of Practice and Procedure.**
2. **Order LD26-093 of the Rental Office remains in force and effect.**

**DATED** at Charlottetown, Prince Edward Island, the 30<sup>th</sup> day of April, 2026.

### **BY THE COMMISSION:**

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

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Pamela J. Williams, K.C. Chair

*[sgd. Kerri Carpenter]*

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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.