



PRINCE EDWARD ISLAND

Regulatory & Appeals Commission

Commission de réglementation et d'appels

ÎLE-DU-PRINCE-ÉDOUARD

Date Issued:

June 19, 2026

Dockets:

LR26033

Type:

Rental Appeals

INDEXED AS: Mullens v. Magnum PEI

Order No: LR26-27

BETWEEN:

Sheila Mullens

Appellant (Tenant)

AND:

Magnum PEI Maintenance and Repair Ltd.

Respondent (Landlord)

DIRECTION REGARDING PROCEDURE

Panel Members:

Compared and Certified a True Copy

(Sgd.) Michelle Walsh-Doucette

Commission Clerk

Island Regulatory and Appeals Commission

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

1. INTRODUCTION

1. This Direction Regarding Procedure is made in respect of the Commission’s Docket LR26033 (the “Appeal”). The Appellant filed this Appeal with the Commission on June 4, 2026. It is an appeal of Order LD26-174 of the Residential Tenancy Office issued on May 28, 2026. The Appellant has appointed Randy Pitre as her representative in the Appeal (the “Appellant’s Representative”).
2. This Direction Regarding Procedure is to provide the parties with direction on how the Appeal will proceed.

2. COMMISSION’S DECISION

3. Given the nature of this matter 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.
4. The paper-based hearing will proceed in accordance with the procedural directions that follow at paragraph 24 onward.

3. BACKGROUND AND PROCEDURAL HISTORY

A. APPLICATIONS BEFORE THE RESIDENTIAL TENANCY OFFICE

5. The paragraphs that follow are summarized from Order LD26-174.
6. On or about February 3, 2026 the Landlord served the Tenant with a *Form 4(A) Eviction Notice* with an effective date of February 13, 2026, for non-payment of rent in the amount of \$2,107.38, repeatedly late rent payments, and damage.
7. On February 10, 2026 the Appellant’s Representative filed a *Form 2(A) Tenant Application to Determine Dispute* with the Rental Office seeking compensation.
8. On March 16, 2026 the Landlord filed a *Form 2(B) Landlord Application to Determine Dispute* with the Rental Office seeking rent owing and compensation for water damage. The Landlord Application also sought vacant possession of the Rental Unit and for the Sheriff to put the Landlord in possession.
9. On April 10, 2026 the Rental Office sent the parties notice of a paper-based hearing with an evidence and submissions timeline of April 20, 2026.
10. On April 20, 2026 at 4:04 p.m. the Appellant’s Representative emailed the Rental Office stating that the Rental Office would receive ““30” large additional attachment files related to the “Partial” Evidence Package.” The Appellant’s Representative also stated that “Due to the large file sizes (GB), transmission and downloads may take some additional time to transfer and download or the system could reject as being too large for certain attachments.”

11. On April 24, 2026 the Rental Office denied the Tenant's request for a Rental Office inspection. The Rental Office extended the evidence submission timeline to April 29, 2026 at 4:00 p.m. and provided the Appellant's Representative with a TitanFile link for submitting documents electronically.
12. On April 29, 2026 the Appellant's Representative emailed the Rental Office stating that an "original document" was currently at the printer with additional copies being printed. He stated that the copies may not be ready by 4:00 p.m. and would certainly be available the next day.
13. The Rental Office did not receive the Appellant's Representatives 30 attachments nor the copies of the "original document" referred to in his April 29, 2026, email.
14. The Rental Office proceeded with a paper-based hearing and issued Order LD26-174 and Order LD26-175 on May 28, 2026.

B. PROCEDURAL HISTORY BEFORE THE COMMISSION

15. The Appellant's Representative filed a Notice of Appeal of Order LD26-174 with the Commission on June 4, 2026.
16. On June 10, 2026, the Commission received a signed "Notice of Representation" from the Appellant, granting authorization to the Appellant's Representative to represent her interests in the matter.
17. On that same day, Commission staff contacted the Appellant directly at the phone number on the Notice of Representation. Commission staff confirmed with the Appellant her intention to be represented by the Appellant's Representative.

C. SECOND NOTICE OF APPEAL – ORDER LD-26-175

18. On June 18, 2026, at 8:03 a.m. the Appellant's Representative sent an email to Commission staff attaching a Notice of Appeal in respect of the Rental Office Order LD26-175 (the Second Notice of Appeal). Order LD26-175 is dated May 28, 2026, and the statutory timeline to appeal that order expired on June 17, 2026 (per section 89(4) of the *Residential Tenancy Act*).
19. The Second Notice of Appeal was dated June 10, 2026, and the Appellant's Representative's email indicated the Second Notice of Appeal was being sent to Commission staff for a second time. Commission staff twice requested the Appellant's Representative to confirm that the Second Notice of Appeal had been previously filed and to provide proof of service on the Landlord.
20. As of the time this Procedural Direction is issued, the Appellant's Representative has not provided this proof. The Commission has no record of having received the Second Notice of Appeal before June 18, 2026. Therefore, the Commission makes a preliminary finding that the Second Notice of Appeal was not filed within the statutory timeline prescribed at section 89(4) of the *Residential Tenancy Act*. **The Appellant will be permitted to make submissions with respect to this preliminary finding in her written submissions requested at paragraph 25(i) below.**

4. EXHIBIT BOOK

21. The Commission has prepared an Exhibit Book in respect of the Appeal.
22. The Exhibit Book is comprised of over 50 exhibits. It totals 124 pages.
23. The Exhibit Book will be circulated to the parties electronically via a secure file sharing platform, TitanFile, on the same date as this Procedural Direction.

5. PROCEDURAL DIRECTION

24. 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 Paper-Based Hearing will be held on **Monday, July 6, 2026**, commencing at **9:30 a.m.** The hearing will not be open to in-person attendance.
 - iii. The Hearing Panel will consider the submissions and evidence of the parties already submitted and included in the Exhibit Book, referenced above.
 - iv. The Hearing Panel will also consider any additional submissions and evidence of the parties submitted in accordance with the deadlines below at paragraph 25.
 - v. 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.
 - vi. 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.
25. The following deadlines apply to the Paper-Based Hearing:
 - i. The Appellant 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 Thursday, June 25, 2026, at 12:00 p.m.** These submissions should include raising any preliminary issues with the Hearing Panel.
 - ii. The Landlord may submit additional evidence and prepare a written submission to support their position on appeal and in response to the Appellant's submissions and evidence,

including documents or exhibits not previously filed, **on or before Thursday, July 2, 2026, 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 Appellant.

- iii. The Appellant may reply to the Landlord's submissions and evidence, including any preliminary issues raised by the Landlord, **on or before Friday, July 3, 2026, at 12:00 p.m.**
- iv. The Appellant and the Landlord are 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 their knowledge, information and belief.

26. Subject to the directions and deadlines outlined herein, the Commission's Rules of Practice and Procedure shall apply to this Hearing.

27. The direction and deadlines set out in this Procedural Direction are final and will not be extended.

DATED at Charlottetown, Prince Edward Island, Friday, June 19, 2026.

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 LR26033

BETWEEN:

Sheila Mullens

Appellant (Tenant)

AND:

Magnum PEI Maintenance and Repair Ltd.

Respondent (Landlord)

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: _____