



PRINCE EDWARD ISLAND

Regulatory & Appeals Commission

Commission de réglementation et d'appels

ÎLE-DU-PRINCE-ÉDOUARD

Date Issued: September 11, 2026

Dockets: LR26043

Type: Rental Appeal

INDEXED AS: Brad Mooney v. Wade Munn

2026 PEIRAC 57 (CanLII)

Order No: LR26-45

BETWEEN:

Brad Mooney (the “Tenant”)

Appellant

AND:

Wade Munn (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 reconvened by the Commission on September 1, 2026, 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 July 10, 2026.

B. BACKGROUND

2. This appeal concerns a rental unit located at 25B MacDonald Road, Stratford, PEI (the “Rental Unit”).
3. The Rental Unit is an apartment in a triplex (the “Residential Property”).
4. On February 7, 2026, the parties entered into an oral monthly tenancy agreement for the Rental Unit. Rent is \$1,130.00 per month, due on the first of the month. A security deposit of \$1,130.00 was paid on February 23, 2026.
5. On March 4, 2026, the Landlord served the Tenant with a *Form 4(A) Eviction Notice* with an effective date of March 31, 2026 (the “Notice”) for failure to pay rent of \$1,130.00. The Notice was served by posting a copy to the Rental Unit’s door.
6. On April 16, 2026, the Tenant filed a *Form 2(A) Tenant Application to Determine Dispute* (the “Tenant Application”), seeking to dispute the Notice; however, the Tenant was outside the ten-day timeline under the Act.
7. On April 21, 2026, the parties entered into a written fixed-term tenancy agreement for the period of April 21, 2026, to May 31, 2026. The tenancy agreement then continued on a monthly basis.
8. On May 26, 2026, the Landlord filed a *Form 2(B) Landlord Application to Determine Dispute* (the “Landlord Application”) seeking vacant possession of the Unit. The Landlord Application was served electronically.
9. On June 5, 2026, the Rental Office emailed the parties notice of a tele-hearing scheduled for June 30, 2026.
10. On June 19, 2026, the Rental Office emailed the parties an updated notice of a tele-hearing scheduled for June 30, 2026.
11. On June 24, 2026, the Rental Office emailed the parties a 105-page PDF evidence package.
12. On June 30, 2026, the Landlord called into the tele-hearing before the Rental Office. The Rental Officer telephoned the Tenant and left a voicemail, but the Tenant did not call into the tele-hearing. The Landlord was advised that the hearing would be rescheduled to allow the Tenant an opportunity to participate.

13. On June 30, 2026, the Rental Office emailed the parties notice of a rescheduled tele-hearing for July 3, 2026.
14. On July 3, 2026, the Landlord called into the tele-hearing. The Rental Office telephoned the Tenant and emailed him a copy of the tele-hearing notice, but the Tenant did not call in to the tele-hearing. The hearing proceeded ten minutes after the scheduled time. The Landlord confirmed receipt of the evidence package and stated that all evidence he submitted was included. The Tenant submitted no evidence.
15. On July 3, 2026, the Rental Office issued Order LD26-220 which ordered that the tenancy between the parties terminate effective 5:00 pm on July 10, 2026.
16. The Tenant appealed Order LD26-220 on July 8, 2026.
17. The Commission heard the appeal on July 30, 2026, by way of telephone conference. The Tenant, Brad Mooney, attended the telephone conference hearing, The Landlord, Wade Munn, attended the telephone conference hearing along with witnesses, Betty Munn, Barry Munn, and Loman Francis Sheehan. The Tenant indicated that he did not receive the Exhibits that Commission staff sent on July 14th, 2026, July 17, 2026 and July 24, 2026. The hearing adjourned in order for the Exhibits to be provided to the Tenant. The Landlord also raised a preliminary issue related to the service of the notice of appeal. The Commission asked for written submissions on the preliminary issue to be received by August 12, 2026, 4:00 pm and advised it would reconvene at a date to be set. The Landlord filed his written submissions on August 4, 2026. The Tenant did not provide any written submissions.
18. The Commission reconvened the hearing on September 1, 2026, by way of telephone conference. The Tenant, Brad Mooney, did not attend the telephone conference hearing. The Landlord, Wade Munn, attended the telephone conference hearing.
19. The applicable legislation is the *Residential Tenancy Act*, cap. R-13.11 (the “*Act*”).

C. DISPOSITION

20. The Commission finds that the appeal has been abandoned and is therefore dismissed.
21. In the alternative, the Commission finds that the Tenant has not established that the Notice of Appeal was served on the Landlord as required by the *Act*. The appeal is therefore also dismissed on this basis.

D. ISSUES

22. The issues before the Commission are:
 - a. Whether the Tenant abandoned the appeal by failing to attend the hearing and failing to provide evidence or submissions in support of the appeal; and
 - b. Whether the Tenant established that the Notice of Appeal was served on the Landlord in accordance with the requirements of the *Act*.

E. SUMMARY OF EVIDENCE

Tenant's Evidence & Submissions

23. The Tenant did not attend the appeal hearing and did not provide any evidence or submissions in support of the appeal.

Landlord's Evidence & Submissions

24. The Landlord submits that the Notice of Appeal was required to be filed with the Commission and served on every party to the Director's order within the applicable statutory time limit.

25. The Landlord submits that the Tenant did not serve him with a copy of the Notice of Appeal as required by the Act or as contemplated by Order LD26-220.

F. ANALYSIS

26. As the Appellant, the Tenant bears responsibility for advancing the appeal. The Tenant did not attend the hearing, did not provide evidence, and did not make submissions in support of the appeal.

27. 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.

28. In the alternative, the Commission also considered whether the Tenant established that the Notice of Appeal was properly served on the Landlord.

29. Section 89(3) of the *Act* requires an appellant to serve the Notice of Appeal on the Commission and every party to the Director's order. Section 89(5) provides a seven-day time limit for an appeal from an order directing a tenant to vacate the rental unit for non-payment of rent.

30. The Landlord submits that he was not served with the Notice of Appeal. The Tenant did not attend the hearing and provided no evidence establishing that the Notice of Appeal was served on the Landlord.

31. On the evidence before it, the Commission is not satisfied that the Tenant served the Landlord with the Notice of Appeal in accordance with the *Act*.

32. Accordingly, even if the appeal had not been abandoned, the Tenant has not established compliance with the service requirements of section 89 of the *Act*. The appeal is therefore dismissed on this basis as well.

G. CONCLUSION

33. The Commission finds that the Tenant abandoned the appeal by failing to attend the appeal hearing and by failing to provide any evidence or submissions in support of the appeal.
34. In the alternative, the Commission finds that the Tenant has not established that the Notice of Appeal was served on the Landlord as required by section 89 of the *Act*.
35. The appeal is dismissed, and Order LD26-220 is confirmed and remains in effect.

IT IS ORDERED THAT

1. The Appeal is dismissed as abandoned and in the alternative, for failure to establish service of the Notice of Appeal on the Landlord in accordance with section 89 of the *Act*.
2. Order LD26-220 of the Residential Tenancy Office, which ordered that the tenancy between the parties terminate effective 5:00 p.m. on July 10, 2026, is confirmed.

DATED at Charlottetown, Prince Edward Island, 11th day of September, 2026.

BY THE COMMISSION:

[sgd. Pamela J. Williams]

Pamela J. Williams, K.C.

[sgd. Gordon MacFarlane]

Gordon MacFarlane

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.