



PRINCE EDWARD ISLAND

Regulatory & Appeals Commission

Commission de réglementation et d'appels

ÎLE-DU-PRINCE-ÉDOUARD

Date Issued: October 14, 2026

Dockets: LR26060

Type: Rental Appeal

INDEXED AS: Courtney Gallant v. Jocelyn Haywood and Jeffrey Haywood

2026 PEIRAC 69 (CanLII)

Order No: LR26-55

BETWEEN:

Courtney Gallant (the “Tenant”)

Appellant

AND:

Jocelyn Haywood and Jeffrey Haywood (the “Landlords”)

Respondents

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 heard by the Commission on October 8, 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 p.m. on October 1, 2026.

B. BACKGROUND

2. This appeal concerns a rental unit located at 2418 MacKinnon Point Road, Pisquid, PE (the "Rental Unit").
3. The Rental Unit is a four-bedroom, two-bathroom single family dwelling that the Landlords have owned for two years.
4. On December 29, 2025 the Landlords and the Tenant entered into a written, fixed-term tenancy agreement from February 1, 2026 to January 31, 2027. A security deposit of \$2,500.00 was paid in installments. Rent in the amount of \$2,500.00 is due on the first day of the month.
5. On August 6, 2026 the Landlords served the Tenant with a *Form 4(A) Eviction Notice* with an effective date of August 28, 2026 (the "Notice") for non-payment of July and August 2026 rent in the total amount of \$5,000.00.
6. On September 8, 2026 the Landlords filed a *Form 2(B) Landlord Application to Determine Dispute* with the Rental Office seeking vacant possession of the Rental Unit and for the Sheriff to put the Landlords in possession.
7. On September 8, 2026 the Tenant emailed a *Form 2(A) Tenant Application to Determine Dispute* to the Rental Office disputing the Notice. The Rental Office rejected the Tenant's application because it was not filed within ten days of the Notice being served.
8. On September 9, 2026 the Landlords filed an amended *Form 2(B) Landlord Application to Determine Dispute* (the "Application") with the Rental Office seeking vacant possession of the Rental Unit and for the Sheriff to put the Landlords in possession.
9. On September 11, 2026 the Rental Office emailed the parties notice of a tele-hearing scheduled for September 22, 2026 for determining the Application.
10. On September 22, 2026 Landlords and the Tenant participated in the tele-hearing before the Rental Office.
11. On September 23, 2026, the Rental Office issued Order LD26-338 which ordered that the tenancy between the parties will terminate effective 5:00 p.m. on October 1, 2026.
12. The Tenant appealed Order LD26-338 on September 28, 2026.

13. The Commission heard the appeal on October 8, 2026, by way of telephone conference. The Tenant, Courtney Gallant, and the Landlords, Jocelyn Haywood and Jeffrey Haywood, attended the telephone conference hearing,
14. The applicable legislation is the *Residential Tenancy Act*, cap. R-13.11 (the “Act”).

C. DISPOSITION

15. The Appeal is dismissed. Order LR26-338 is upheld with a variation to the tenancy’s termination date. The Tenant and all occupants must vacate the Rental Unit and return the keys to the Landlords by the timeline below.

D. ISSUES

16. Must the Tenant and all occupants vacate the Rental Unit and if so, by what date?

E. SUMMARY OF EVIDENCE

Appellant’s Evidence & Submissions

17. The Appellant indicated she is only appealing the date she must vacate the Rental Unit from October 1, 2026 to October 15, 2026.
18. The Appellant testified that she has just recently given birth to a child and is seeking a safe and reasonable date to move out of the Rental Unit given those circumstances.
19. The Appellant argues that with regard to rent payment arrangements on her behalf from a government agency, one of the Landlords had arranged to be added as a payee and receive direct payment for rent. The Appellant believed the Landlords would be receiving the full rent from the government agency.
20. The Appellant submits that the Landlords were aware there would be a delay with receiving payment from the government agency due to additional processing time.
21. In response to questions from the Commission, the Appellant testified that she has not paid rent for October 2026 as she was awaiting the outcome of this appeal.

Landlord’s Evidence & Submissions

22. The Landlords submit that although they did receive a portion of the rent for August 2026, they did not receive the full amount of \$2,500.00 from the government agency at the time it was due. The Landlords agreed that the full amount was eventually received.
23. The Landlords submit that despite their best efforts to work with the Tenant regarding timely rent payments and arrears over many months, it has not worked out.

24. The Landlords confirmed they have not received any rent for October 2026 from the Tenant.

F. ANALYSIS

25. The Commission has reviewed the information package, and the evidence and submissions of the parties. The Notice was served on August 6, 2026 on the basis that the Tenant owed \$5,000.00 in rent for July and August 2026. The evidence establishes that the Tenant was in arrears when the Notice was served.
26. Under subsection 60(1) of the *Act*, a landlord may end a tenancy where rent is unpaid after it becomes due by giving the tenant a notice of termination effective on a date that is not earlier than twenty days after the date the tenant receives the notice.
27. Subsection 60(4)(a) of the *Act* provides that, within ten days after receiving a notice of termination under this section, a tenant may pay the overdue rent, in which case the notice has no effect.
28. The evidence establishes that the Tenant did not pay the full amount of overdue rent within the ten-day period following service of the Notice. Although payments were subsequently made to the Landlords, the Commission finds that the overdue rent was not paid in full within the statutory ten-day period. The subsequent payments therefore did not invalidate the Notice.
29. The Commission finds that the Notice was valid, it was not invalidated by the payments subsequently made to the Landlords and therefore the tenancy is required to terminate.
30. The Appellant's appeal is limited to the date on which she must vacate the Rental Unit.
31. The Appellant is seeking an extension of time from October 1, 2026 to October 15, 2026. The Appellant testified that she has recently given birth and requires additional time to make safe and reasonable arrangements to move. The Landlords did not agree to a further extension and advised that no October 2026 rent had been received to date.
32. While the Commission accepts that the Notice remains valid and that the tenancy must end, having considered the family circumstances presented at the appeal hearing, the Commission finds it appropriate to vary the termination date from October 1, 2026 to October 15, 2026 at 5:00 p.m.
33. The Commission notes that a variation of the termination date does not constitute a reinstatement of the tenancy or invalidate the Notice. It provides the Tenant with additional time to vacate the Rental Unit while preserving the Landlords' entitlement to vacant possession.

G. CONCLUSION

34. The Appeal is dismissed, with a variation to the date of the termination of the tenancy.

35. The Commission finds that the Notice is valid and that Order LD26-338 shall stand, subject only to the variation of the termination date as set out below.

36. The Tenant and all occupants shall vacate the Rental Unit by the timeline below.

IT IS ORDERED THAT

1. The tenancy between the parties shall terminate on October 15, 2026 at 5:00 p.m.
2. The Tenant and all occupants must vacate the Rental Unit and return the keys to the Landlords by October 15, 2026 at 5:00 p.m.
3. A certified copy of this Order may be filed with the Supreme Court of Prince Edward Island and enforced by the Sheriff's Office as permitted by the *Act*.

DATED at Charlottetown, Prince Edward Island, 14th day of October, 2026.

BY THE COMMISSION:

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

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.