



PRINCE EDWARD ISLAND

Regulatory & Appeals Commission

Commission de réglementation et d'appels

ÎLE-DU-PRINCE-ÉDOUARD

Date Issued: October 22, 2026

Dockets: LR26050

Type: Rental Appeal

INDEXED AS: KY Home Solutions Inc. v. Oceane Lepage

2026 PEIRAC 72 (CanLII)

Order No: LR26-58

BETWEEN:

KY Home Solutions Inc. (the "Landlord")

Appellant

AND:

Oceane Lepage (the "Tenant")

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 heard 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 Landlord must pay the Tenant \$1,638.39 by August 31, 2026.

B. BACKGROUND

2. This appeal concerns a rental unit located at Room 1 - 21 Bambrick Drive, Charlottetown, PEI (the "Rental Unit").
3. The Rental Unit is a room rental and shared common spaces in an apartment (the "Residential Property").
4. The parties entered into a written fixed-term tenancy agreement for the Rental Unit, for the period from September 5, 2024, to August 31, 2025. Rent was \$800.00 due on the first of the month. A security deposit of \$800.00 was paid on September 4, 2024.
5. The parties agree the Tenant vacated in April 2025 but dispute the Tenant's exact vacate date.
6. On May 5, 2025, the Tenant emailed the Rental Office and the Landlord a *Form 2(A) Tenant Application to Determine Dispute* (the "Application") seeking a return of the security deposit.
7. On June 26, 2025, the Rental Office emailed the Tenant asking for additional information referenced on the Form 2(A) (namely, a copy of a Form 2(B) application the Tenant purported to dispute in her application). The Rental Office sent a follow up email on July 3, 2025.
8. On August 8, 2025, the Rental Office again emailed the Tenant asking if the Tenant was proceeding with the matter. On September 16, 2025, the Rental Office emailed the Tenant confirming as a result of not responding to its correspondence that the Rental Office file would be closed.
9. Almost five months later, on February 11, 2026, the Tenant contacted the Rental Office and stated that she was still seeking to proceed with the Application.
10. On May 13, 2026, the Rental Office sent the parties notice of a tele-hearing scheduled for June 9, 2026.
11. On June 9, 2026, the Landlord's representative (the "Representative") called into the tele-hearing before the Rental Office. The Rental Officer telephoned the Tenant, left a voicemail, and emailed her an additional copy of the tele-hearing notice. The Tenant did not join the tele-hearing, and it did not proceed at that time.
12. On June 9, 2026, the Tenant contacted the Rental Office and stated that she had not received a copy of the May 13, 2026, tele-hearing notice, and was unaware a tele-hearing had been scheduled.

13. On June 18, 2026, the Rental Office sent the parties notice of a rescheduled tele-hearing for July 14, 2026.
14. On July 14, 2026, before the hearing, the Tenant submitted additional evidence, which included banking records, to the Rental Office and the Landlord.
15. On July 14, 2026, the Tenant and the Representative joined the tele-hearing before the Rental Office. The parties confirmed receipt of the evidence package and the Tenant's additional evidence and that all evidence submitted to the Rental Office was included in it.
16. After the hearing, the parties provided additional submissions, which were shared with the other party and added to the record.
17. On July 27, 2026, the Rental Office issued Order LD26-260 which ordered that the Landlord must pay the Tenant \$1,638.39 by August 31, 2026.
18. The Landlord appealed Order LD26-260 on August 12, 2026.
19. The Commission heard the appeal on September 1, 2026, by way of telephone conference. The Landlord, KY Home Solutions Inc. was represented at the telephone conference hearing by Juan Carniel. The Tenant, Oceane Lepage attended and participated the telephone conference hearing.
20. The applicable legislation is the *Residential Tenancy Act*, cap. R-13.11 (the "Act").

C. DISPOSITION

21. The Commission allows the appeal. The Tenant was advised on September 16, 2025 that the matter would not be proceeding and that the file would be closed. The matter, therefore, should not have been re-opened by the Rental Office in February 2026.

D. ISSUES

22. The question for the Commission to consider on appeal is whether this matter should have been considered by the Rental Office after the Tenant was advised the file was being closed?

E. SUMMARY OF EVIDENCE

23. Following the hearing of the appeal in this matter, the Commission requested correspondence (emails) from the Rental Office to the Tenant on June 26, 2025, July 3, 2025; August 8, 2025; and September 16, 2025, as referenced in the Rental Office decision. Commission staff shared those emails with the parties and provided them an opportunity to respond to that additional evidence. Neither party made further submissions.

24. The correspondence demonstrates that the Rental Office sought additional documentation and confirmation from the Tenant as to whether she wished to proceed with the Application on several occasions throughout the summer of 2025.
25. The Tenant did not provide the requested information or otherwise respond to the Rental Office's requests. On September 16, 2025, the Rental Office advised the Tenant that the matter would not proceed and that the file would be closed.
26. The Landlord was not provided notice that the file had been closed.
27. The record contains no decision, order, direction, or other communication from the Rental Office formally reopening the Application following the September 16, 2025 communication.
28. The record instead establishes that, following the Tenant's February 11, 2026 request to proceed, the Rental Office resumed processing the matter, scheduled a hearing, and ultimately issued Order LD26-260.

F. ANALYSIS

29. The Commission finds that the Rental Office expressly advised the Tenant on September 16, 2025 that the matter would not proceed and that the file would be closed. This communication followed several unanswered requests by the Rental Office for information and confirmation from the Tenant that she was proceeding with the matter.
30. The Commission finds that the wording contained in the September 16, 2025 communication was significant. The Rental Office did not merely advise the Tenant that further information was required. The Tenant was expressly advised that the matter would not proceed and that the file would be closed.
31. The Tenant did not contact the Rental Office to seek to proceed with the Application until February 11, 2026, approximately five months after being advised that the file would be closed.
32. The record contains no decision or other communication from the Rental Office reopening the Application following its September 16, 2025 closure. The record instead shows that, following the Tenant's February 11, 2026 request to proceed, the Rental Office proceeded to schedule the matter for hearing and ultimately issued Order LD26-260.
33. The Commission recognizes that the Tenant and the Landlord ultimately participated in the July 14, 2026 hearing and that both parties had an opportunity to provide evidence and submissions. That subsequent participation, however, does not resolve the separate issue of whether the Rental Office should have considered the Application after determining the matter would be closed.
34. In these circumstances, the Commission finds that the Rental Office should not have proceeded with the Application after the Tenant had been expressly advised that the matter would not proceed and that the file would be closed. When any party, in this particular case a Tenant, brings a matter before the Rental Office, that party is responsible

to respond to Rental Office inquiries on a timely basis. The Commission finds that the decision of the Rental Office to close the file to be reasonable in the circumstances.

35. Accordingly, the Commission finds that Order LD26-260 should be set aside and that the matter remains closed.

36. The Commission therefore also finds it unnecessary to make any determination on the underlying merits of the Tenant's claim.

G. CONCLUSION

37. The Commission finds that the Application was closed by the Rental Office on September 16, 2025 and the Rental Office therefore should not have proceeded with the Application and issued Order LD26-260.

38. Accordingly, Order LD26-260 is set aside.

39. The Commission makes no determination regarding the substantive merits of the Tenant's claim.

IT IS ORDERED THAT

- 1. The Application was closed by the Rental Office on September 16, 2025.**
- 2. Order LD26-260 is set aside.**
- 3. No further determination is made regarding the substantive merits of the Tenant's claim.**

DATED at Charlottetown, Prince Edward Island, 22nd 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.