

Introduction

- [1] On July 24, 2023, the Tenant filed a Tenant Application to Determine Dispute (Form 2A) (the "Application") with the Residential Tenancy Office (the "Rental Office"). The Application was filed seeking:

To dispute a Notice of Termination (Form 4).

- [2] Attached to the Application was an Eviction Notice (Form 4A) dated July 17, 2023, effective August 31, 2023, (the "Notice"). The Notice was served on the Tenant in person on July 17, 2023. The Notice was served on the Tenant for the following reason:

You or someone you have allowed on the property have disturbed or endangered others.

- [3] On August 17, 2023, a teleconference hearing was held before a Residential Tenancy Officer (the "Officer"). The Tenant and Landlord participated.

Issue to be Decided

- i. Does the Tenant have to vacate the Residential Property due to the Notice?

Summary of the Evidence

- [4] In August of 2014, the Tenant and a previous landlord entered into a verbal, month-to-month rental agreement for the Residential Property. The current Landlord purchased the Residential Property in July of 2021. The Residential Property consists of one half of a duplex. Rent is \$932.00 per month due on the first day of the month. The amount of the security deposit was disputed by the parties.

Tenant's Evidence and Submissions

- [5] The Tenant stated she did not want to argue with the Landlord and that she would leave the Residential Property. The Tenant stated she is a caregiver for another individual and requires more time to find a new place to live. She stated she would agree to vacate the Residential Property on or before September 30, 2023.

Landlord's Evidence and Submissions

- [6] The Landlord stated she had spoken to the Tenant prior to the hearing about giving the Tenant more time to vacate the Residential Property. The Landlord agreed to give the Tenant until September 30, 2023, to vacate the Residential Property.

Analysis

- [7] The Landlord's reasons for terminating the tenancy agreement are pursuant to sub-subsections 61.(1)(d)(i) and (ii) of the Act, which state:

61.(1) A landlord may end a tenancy by giving a notice of termination where one or more of the following applies:

(d) the tenant or a person permitted on the residential property by the tenant has

(i) significantly interfered with or unreasonably disturbed another occupant or the landlord of the residential property,

(ii) seriously jeopardized the health or safety or a lawful right or interest of the landlord or another occupant.

- [8] The Officer notes that the Tenant stated she was no longer disputing the Notice and requested until September 30, 2023, to vacate the Residential Property. The Landlord agreed to allow the Tenant stay in the Residential Property no later than September 30, 2023.
- [9] The Officer finds based on an agreement by the parties that the Tenant shall vacate the Residential Property on or before September 30, 2023.

Conclusion

- [10] The Notice is valid and the Application is withdrawn.
- [11] The tenancy agreement between the parties shall terminate effective 5:00 p.m. on September 30, 2023. The Tenant and all occupants shall vacate the Residential Property by this time and date.

IT IS THEREFORE ORDERED THAT

- A. The tenancy agreement between the parties shall terminate effective 5:00 p.m. on September 30, 2023. The Tenant and all occupants shall vacate the Residential Property by this time and date.
- B. A certified copy of this Order may be filed in the Supreme Court and enforced by Sheriff Services as permitted by the Act.

DATED at Charlottetown, Prince Edward Island, this 21st day of August, 2023.

(sgd.) Mitchell King

Mitchell King
Residential Tenancy Officer

NOTICE

Right to Appeal

This Order can be appealed to the Island Regulatory and Appeals Commission (the "Commission") by serving a Notice of Appeal with the Commission and every party to this Order within **7** days of this Order. If a document is sent electronically after 5:00 p.m., it is considered received the next day that is not a holiday. If a document is sent by mail, it is considered served on the third day after mailing.

Filing with the Court

If no appeal has been made within the noted timelines, this Order can be filed with the Supreme Court of Prince Edward Island and enforced as if it were an order of the Court.