

Introduction

- [1] On July 10, 2023, the Landlord filed a Landlord Application to Determine Dispute (Form 2B) (the "Application") with the Residential Tenancy Office (the "Rental Office"). The Application is seeking:

To request an order directing my tenant to pay outstanding rent.

- [2] On September 7, 2023, a teleconference hearing was held before a Residential Tenancy Officer (the "Officer"). The Landlord and a Tenant participated in the hearing.

Issue to be Decided

- i. Do the Tenants owe the Landlord rent?

Summary of the Evidence

- [3] In August of 2021 the Tenants and the Landlord entered into a written month-to-month tenancy agreement for the Residential Property. The Residential Property consists of half of a duplex. Rent was \$1,600.00 per month due on the first day of the month. A security deposit of \$1,600.00 was paid. The Tenants vacated the Residential Property in May of 2023. The parties agreed that the Landlord would retain the security deposit for rent owing for April 2023.

Landlord's Evidence and Submissions

- [4] The Landlord stated the Tenants only paid \$400.00 in rent in December 2022, and owe \$600.00 for that month. The Tenants only paid \$400.00 in rent for February 2023, and owe \$600.00 for that month. The Landlord agreed to credit the Tenants \$200.00 for February 2023 rent as there were heating problems in the Residential Property. The parties agreed that the Landlord would retain the security deposit for rent owing for April 2023. The Landlord stated the amount of outstanding rent owing is \$1,000.00. The Landlord submitted a copy of a rental ledger into evidence.

Tenant's Evidence and Submissions

- [5] The Tenant stated she had a rental hearing regarding compensation for a loss of heat she experienced in February 2023, but the hearing did not go in her favour. She stated that she still submits that she should not have to pay for rent for February 2023 because of the heating issues she experienced. She stated the Tenants painted the inside of the Residential Property but they were never credited for that. The Tenant stated she had no comments regarding the matter of the rent owing for December 2022.

Analysis

- [6] The Landlord is seeking an order directing the Tenants to pay \$1,000.00 in outstanding rent. The Act states:

Tenant shall pay rent when due

19. (1) A tenant shall pay rent when it is due under the tenancy agreement, whether or not the landlord complies with this Act, the regulations or the tenancy agreement, unless the tenant has an express right under this Act to deduct or withhold all or a portion of the rent.

Powers of the Director

85.(1) After hearing an application, the Director may make an order

(b) directing the payment or repayment of money from a landlord to a tenant or from a tenant to a landlord.

- [7] The Officer notes that the Landlord had submitted a rental ledger into evidence showing the amounts of rent owing for December 2022 and February 2023. Furthermore, the Tenant is not disputing that she did not pay some of the rent for February 2023 as she had experienced heating issues during that time. Therefore, the Officer finds that the Landlord has established that the Tenants owe the Landlord \$1,000.00 in outstanding rent.

Conclusion

- [8] The Application is allowed.
- [9] The Tenants shall pay the Landlord \$1,000.00 in outstanding rent forthwith upon receipt of this Order.

IT IS THEREFORE ORDERED THAT

- A. The Tenants shall pay the Landlord \$1,000.00 in outstanding rent forthwith upon receipt of this Order.
- 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 20th day of September, 2023.

(sgd.) Mitchell King
Mitchell King
Residential Tenancy Officer

NOTICERight 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 **20** 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.