

Introduction

- [1] On August 8, 2023, the Landlord filed a Landlord Application to Determine Dispute (Form 2B) (the "Application") with the Residential Tenancy Office (the "Rental Office"). The Application was filed:

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

- [2] On August 8, 2023, the Landlord served the Application on the Tenants by posting it to the Tenants' door. On September 7, 2023, the Landlord served the evidence package on the Tenants by posting it to the Tenants' door.
- [3] On September 12, 2023, a teleconference hearing was held before a Residential Tenancy Officer (the "Officer"). The Representative participated but the Tenants did not participate.

Issue to be Decided

- i. Do the Tenants owe the Landlord rent?

Summary of the Evidence

- [4] On August 1, 2021, the Landlord and Tenants entered into a written fixed-term tenancy agreement for the Residential Property. The Residential Property consists of a single-family house. Rent is \$900.00 per month due on the first day of each month. A security deposit of \$900.00 was required and paid.

Landlord's Evidence and Submissions

- [5] The Representative testified that on his Application he stated the Tenants owe \$6,300.00 in outstanding rent from January 2023 to July 2023 but he stated that is incorrect. He stated the Tenants owe rent in the amount of \$5,400.00 from February 2023 to July 2023 (\$900.00 x 6). The Tenants also owe rent in the amount \$900.00 for August 2023. The Representative stated he was not seeking the outstanding rent for September 2023, as the Tenants notified the Representative they would be vacating the Residential Property by 5:00 p.m. on that day (September 12, 2023). The Representative submitted a copy of a rent ledger into evidence showing the amount of the rent owing.
- [6] The Representative stated the Tenants paid on time the first year they were living in the property. He stated the second year they lived there they were late with rent every month. He stated he served the Tenants with an eviction notice in May 2023 for non-payment of rent but then the Tenant's paid January 2023 rent at that time. He stated that was the last time the Tenants have paid rent.

Analysis

- [7] 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.

- [8] The Officer notes that the Representative had submitted a rental ledger into evidence showing the Tenants had not paid rent from February 2023 to July 2023, totaling \$5,400.00. The Representative also testified that the Tenants had not paid rent in the amount of \$900.00 for August 2023. Therefore, the Officer finds that the Landlord has established that the Tenants owe the Landlord \$6,300.00 in outstanding rent.

Conclusion

- [9] The Application is allowed.
- [10] The Tenants shall pay the Landlord the outstanding rent in the amount of \$6,300.00 forthwith upon receipt of this Order.

IT IS THEREFORE ORDERED THAT

- A. The Tenants shall pay the Landlord the outstanding rent in the amount of \$6,300.00 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 21st day of September, 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 **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.