

Introduction

- [1] On October 3, 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 seeking:

To request my tenant vacate the rental unit and ordering the Sheriff to put me into possession of the rental unit.

- [2] Attached to the Application was an Eviction Notice (Form 4A) dated August 29, 2023, effective September 30, 2023, (the "Notice"). The Notice was posted on the Tenant's door on August 29, 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 October 10, 2023, a teleconference hearing was held before a Residential Tenancy Officer (the "Officer"). Two Landlord Representatives participated but the Tenant did not participate. The Officer called the Tenant and left a voicemail at the beginning of the hearing. The Tenant did not call into the hearing. All documents were properly served on the parties.

Issue to be Decided

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

Summary of the Evidence

- [4] In December of 2022 the Tenant 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 is \$515.00 per month due on the first day of the month. A security deposit of was not required.

Landlord's Evidence and Submissions

- [5] V.C. stated there have been numerous complaints about the Tenant and the Residential Property from other people in the neighborhood. There are complaints that there are many people coming and going from the property. Other complaints include loud screaming coming from the Residential Property and cars are speeding excessively in the neighborhood. V.C. stated she has observed several people coming and going from the Residential Property and there appears to be different individuals living there without the Landlord's permission.
- [6] The Landlord submitted copies of several anonymous emails into evidence which detail complaints about garbage outside the property, several people living at the property, and thefts occurring in the area. The emails also state there is yelling, doors slamming, honking horns, and excessive speeds in and around the Residential Property all hours of the night.
- [7] V.C. stated she had met with the Tenant on several occasions to address the problems. She stated that the problems have continued and there are still complaints from neighbors. V.C. stated that the Tenant was given a final warning letter before being issued the eviction notice, but the Tenant has not corrected the issues.
- [8] M.C. stated he has been inside the Residential Property and it appears that it is a "flop house." He stated he has observed at least two males who appeared to be living there. He stated the Tenant was not given permission for anyone to live there except for her family. He also stated police executed a search warrant at the Residential Property in June 2023 and weapons were seized from the property. M.C. stated the Tenant's spouse was arrested as a result of the search warrant. The Landlord submitted a copy of the search warrant into evidence.

Tenant's Evidence and Submissions

- [9] The Tenant did not participate in the hearing. The Tenant had provided submissions which stated that none of the complaints are true and are just made up by people who do not like her.

Analysis

- [10] The Landlord's reason for the Notice is pursuant to subsection 61.(1)(d) of the Act which states:

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, or

(iii) put the landlord's property at significant risk.

- [11] V.C. and M.C. both testified that they have observed individuals living in the Residential Property without the Landlord's permission. M.C. stated a search warrant was executed at the property which resulted in weapons being seized and the Tenant's spouse being arrested. V.C. stated she has tried to work with the Tenant to address the problems but the problems have continued.
- [12] V.C. stated she has received several complaints from other residents in the area about people coming and going from the property, garbage outside the property, and noise occurring in and around the property at all hours. The Officer notes that the Landlord submitted into evidence numerous emails from complaining neighbours. Although none of the complaining neighbours provided affirmed testimony at the hearing, the Officer finds that the Landlord has established a common complaint regarding the actions of the Tenant and other people permitted on the Residential Property by the Tenant.
- [13] The Officer finds that based on the totality of the evidence the Landlord has provided sufficient evidence to establish that the Tenant has breached subsections 61.(1)(d)(i),(ii),(iii) of the Act. The Notice is valid and the Application is allowed.
- [14] Further, the Officer finds that the Notice was properly served on the Tenant and the Tenant did not file a 'Section 75 Application' (Form 2A) with the Rental Office within 10 days of receiving the Notice. Therefore, the Tenant is deemed to have accepted the Notice pursuant to subsection 61.(6) of the Act.

Conclusion

- [15] The Notice is valid and the Application is allowed.
- [16] The tenancy agreement between the parties shall terminate effective 5:00 p.m. on October 19, 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 October 19, 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 12th day of October, 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.