

Introduction

- [1] On November 6, 2023 the Landlord filed two *Landlord Applications to Determine Dispute* (Form 2(B)) (the “Applications”) with the Residential Tenancy Office (the “Rental Office”). The Applications seek vacant possession of the Rental Units and an order for the Sheriff to put the Landlord in possession of these units.
- [2] Attached to the Applications were two *Landlord Notices of Termination* (Form 4A) served on October 9, 2023 for non-payment of rent and effective on October 26, 2023 (the “Notices”). The Officer notes that the correct effective date was October 29, 2023. The Applications were accompanied by additional termination notices to the Tenants, however, it is unnecessary for the Residential Tenancy Officer (the “Officer”) to determine these additional notices, as provided below.
- [3] On November 10, 2023 the Rental Office mailed and emailed notices to the parties for a teleconference hearing scheduled for 9:00 a.m. on November 17, 2023 for determination of the Applications.
- [4] On November 17, 2023 a teleconference hearing was held before the Officer. The Landlord and the Landlord’s witness participated in the hearing and the Tenants did not participate. The Rental Office telephoned the Tenants shortly after 9:00 a.m. but no contact was made with the Tenants. The Officer waited until 9:10 a.m. before proceeding with the hearing in the absence of the Tenants and the hearing concluded at 9:27 a.m.

Issue to be Decided

- [5] Do the Tenants have to vacate the Rental Units pursuant to the Notices?

Summary of the Evidence

- [6] The Landlord’s evidence is summarized as follows. The Landlord and the Tenants are parties to two separate rental agreements for the two Rental Units. The monthly rent for each tenant was \$500.00, due on the first day of the month, and security deposits were not required.
- [7] The Landlord served the Tenants with the Notices on October 9, 2023 and the Tenants have not paid rent for October and November 2023.

Analysis and Conclusion

- [8] The Landlord’s reason in the Notices for terminating the tenancies is pursuant to subsection 60(1) of the *Act*, which states:

A landlord may end a tenancy if rent is unpaid after the day it is due, by giving a notice of termination effective on a date that is not earlier than 20 days after the date the tenant receives the notice.
- [9] The undisputed evidence of the Landlord establishes that the Tenants have not paid October 2023 rent, as stated in the Notices. As a result, the Officer finds that the Notices are valid. The Officer also notes that the Tenants have not filed any applications disputing the Notices. As a result, the Tenants are also deemed to have accepted the Notices pursuant to subsection 60(5). It is therefore unnecessary for the Officer to determine the other termination notices accompanying the Applications.
- [10] The Notices are valid and the Applications are allowed. The Tenants and all occupants must vacate the Rental Units by the time and date stated below.

IT IS THEREFORE ORDERED THAT

1. The tenancies between the parties shall terminate effective **5:00 p.m. on November 24, 2023**. The Tenants and all occupants must vacate the Rental Units by this time and date.
2. 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 17th day of November, 2023.

(sgd.) Andrew Cudmore

Andrew Cudmore
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.