

## Introduction

- [1] On November 10, 2023 the Landlord filed a *Landlord Application to Determine Dispute* (Form 2(B)) (the "Application") with the Residential Tenancy Office (the "Rental Office"). The Application seeks vacant possession of the Rental Unit and an order for the Sheriff to put the Landlord in possession, which is the subject of Order LD23-550. The Application also requests a monetary order against the Tenant for unpaid rent, which is the subject of this decision.
- [2] Attached to the Application was a *Notice of Termination by Lessor of Rental Agreement* (Form 4) served on September 3, 2023 for non-payment of rent, effective September 23, 2023 (the "Notice").
- [3] On November 17, 2023 the Rental Office emailed the Landlord notice of a teleconference hearing scheduled for 1:00 p.m. on November 23, 2023 for determination of the Application, for the Landlord to serve to the Tenant.
- [4] On November 23, 2023 the Landlord and the Tenant participated in a teleconference hearing with the Residential Tenancy Officer (the "Officer").

## Issue to be Decided

- i. Does the Tenant owe rent to the Landlord?

## Summary of the Evidence and Conclusion

- [5] On September 26, 2022 the Landlord and the Tenant entered into a written tenancy agreement for the period of October 1, 2022 to September 30, 2023. Rent in the amount of \$1,000.00 is due on the first day of the month and a \$500.00 security deposit was paid.
- [6] In Order LD23-550 the Officer found that the Notice is valid and the Tenant must vacate the Rental Unit by 5:00 p.m. on December 4, 2023. The Officer also made the following finding at paragraph [25]:
- "The Tenant owes rent to the Landlord in the amount of \$3,598.00, plus the rent for four days in December (\$129.03; 4 days divided by 31 days multiplied by \$1,000.00), in the total amount of \$3,727.03."*
- [7] The Officer finds that the Application is allowed because the Landlord has a valid claim for an unpaid rent monetary order against the Tenant, in the amount of \$3,727.03. The Tenant must pay this rent to the Landlord by the timeline below.

## IT IS THEREFORE ORDERED THAT

1. The Tenant must pay the Landlord the amount of \$3,727.03 by **December 18, 2023**.

**DATED** at Charlottetown, Prince Edward Island, this 27th 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 **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.