

Introduction

- [1] On November 27, 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 LD23-574. 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(A)) served on November 2, 2023 for non-payment of rent, effective November 22, 2023 (the "Notice").
- [3] On November 27, 2023 the Rental Office mailed and emailed the parties notice of a teleconference hearing scheduled for 1:00 p.m. on December 7, 2023, along with a copy of the Application.
- [4] On December 1, 2023 the Rental Office emailed the parties an evidence package.
- [5] On December 7, 2023 the Representative, on behalf of the Landlord, participated in a teleconference hearing with the Residential Tenancy Officer (the "Officer"). The Officer telephoned the Tenant at 1:07 p.m. but there was no response and it was not possible to leave a voicemail message. The Officer waited until 1:10 p.m. before proceeding with the hearing in the absence of the Tenant. The hearing concluded at 1:37 p.m.

Issue to be Decided

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

Summary of the Evidence and Conclusion

- [6] The Landlord's evidence is summarized as follows. The former owner of the Rental Unit and the Tenant entered into a written, fixed term tenancy agreement for the period of January 1, 2023 to March 31, 2023. The Landlord purchased the Rental Unit in March of 2023 and the tenancy continued on a month-to-month basis. 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.
- [7] In Order LD23-574 the Officer found that the Notice is valid and the Tenant must vacate the Rental Unit by 5:00 p.m. on December 14, 2023. The Officer also made the following finding at paragraph [14]:

"The Tenant owes rental arrears to the Landlord in the amount of \$80.00 for November 2023, plus the rent for 14 days in December (\$451.61; 14 days divided by 31 days multiplied by \$1,000.00), in the total amount of \$531.61."
- [8] The Officer finds that the Application is allowed because the Landlord has a valid claim for a rental arrears monetary order against the Tenant, in the amount of \$531.61. The Tenant must pay the rental arrears to the Landlord by the timeline below.

IT IS THEREFORE ORDERED THAT

- 1. The Tenant must pay the Landlord the amount of \$531.61 by December 27, 2023.

DATED at Charlottetown, Prince Edward Island, this 7th day of December, 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.