

Introduction

- [1] On November 14, 2023 the Landlord filed a *Landlord Application to Determine Dispute* (Form 2(B)) (the "Application") with the Residential Tenancy Office (the "Rental Office") making a monetary claim against the Tenant for unpaid rent and waste disposal expenses. The Landlord served a copy of the Application to the Tenant.
- [2] On November 23, 2023 the Rental Office emailed the Landlord notice of a teleconference hearing scheduled for 11:00 a.m. on December 14, 2023, along with a copy of the Application. The Landlord served a copy of the hearing notice to the Tenant.
- [3] On December 14, 2023 the Landlord participated in a teleconference hearing with the Residential Tenancy Officer (the "Officer"). The Rental Office telephoned the Tenant shortly after 11:00 a.m. but there was no response. The Officer waited until 11:10 a.m. before proceeding with the hearing in the absence of the Tenant. The hearing concluded at 11:32 a.m.

Issue to be Decided

- i. Does the Tenant owe rent and waste disposal expenses to the Landlord?

Summary of the Evidence

- [4] The Landlord's evidence is summarized as follows. The Landlord and the Tenant entered into an oral, month-to-month tenancy agreement for the Rental Unit that commenced in December of 2012. Rent in the amount of \$500.00 was due on the first day of the month and a security deposit was not required. The Rental Unit is a three-bedroom, one-and-a-half-bathroom single family dwelling that the Landlord has owned for 14 years.
- [5] The Tenant did not pay rent for July or August of 2023, in the total amount of \$1,000.00. The Landlord submitted into evidence text message correspondence regarding the Landlord's requests to the Tenant to pay the outstanding rent.
- [6] The Tenant vacated the Rental Unit at the end of August 2023, leaving behind a significant amount of garbage. The Landlord incurred Island Waste Management Corporation ("IWMC") costs totaling \$137.00 for the disposal of the Tenant's garbage. The Landlord submitted into evidence photographs of the garbage and debris left behind by the Tenant and copies of the IWMC receipts.

Analysis and Conclusion

- [7] The Landlord's undisputed evidence establishes that the Tenant did not pay rent for two months, in the total amount of \$1,000.00. At the end of the tenancy the Tenant was required to remove all garbage and debris from the Rental Unit (subsection 39(2) of the *Act*). However, the Tenant failed to do so. The IWMC disposal charges of \$137.00 incurred by the Landlord are a valid claim against the Tenant pursuant to clause 85(1)(d). The Landlord has established a claim of \$1,137.00.

IT IS THEREFORE ORDERED THAT

- 1. The Tenant must pay the Landlord \$1,137.00 by January 4, 2024.

DATED at Charlottetown, Prince Edward Island, this 15th 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.