

## Introduction

- [1] On January 19, 2024, the Landlord filed a *Landlord Application to Determine Dispute* (Form 2(B)) (the "Application") with the Residential Tenancy Office (the "Rental Office"). The purpose of the Application is for rent owing and to request the Tenant vacate the rental unit and order the Sheriff to put the Landlord into possession of the rental unit.
- [2] Attached to the Application was an Eviction Notice (Form 4(A)) dated December 4, 2023, effective December 24, 2023, (the "Notice"). The Notice was served on the Tenant for the following reason:

*You have not paid your rent in the amount of \$1,425.00.*
- [3] All relevant documents (including the Notice of Hearing and Evidence Package) were properly served in accordance with subsection 100.(1) of the *Act*.
- [4] On January 25, 2024, a teleconference hearing was held before a Residential Tenancy Officer (the "Officer"). A Landlord Representative appeared but the Tenant did not participate.
- [5] On January 31, 2024, the Representative notified the Rental Office that the Tenant had vacated the rental unit, therefore the Officer only needs to make a determination on rent owing.

## Issue to be Decided

- i. Is the Landlord entitled to outstanding rent?

## Summary of the Evidence

- [6] In August of 2023 the Representative's property management company took over management of the rental unit. The Representative stated the Landlord and Tenant had a verbal month-to-month tenancy agreement for the Residential Property but she was unsure when it began. Rent was \$1,467.00 due on the first day of the month. The amount of the security deposit was not known. The Tenant vacated the Residential Property prior to the end of January 2024.

### Landlord's Evidence and Submissions

- [7] The Landlord submitted several pages of documents into evidence including photographs and a rental ledger. The Representative stated the Tenant did not pay rent for December 2023 in the amount of \$1,425.00. The Notice was served on the Tenant on December 4, 2023, effective December 24, 2023.
- [8] The Tenant did not pay rent for January 2024 in the amount of \$1,467.75. Rent for January was more than December because of the added allowable rent increase. The total rent owing is \$2,892.75. The Tenant told the Representative she would be vacating by the end of January 2024 and the Tenant has since vacated the rental unit. The Landlord submitted the Tenant's rental ledger into evidence showing the missed rent payments.

### Tenant's Evidence and Submissions

- [9] The Tenant did not submit any evidence or participate in the hearing.

## Analysis

### Issue i: Is the Landlord entitled to outstanding rent?

[10] The Application is seeking a finding that the Landlord is entitled to rent owing for December 2023 and January 2024 totaling \$2,892.75. In such applications, it is the person(s) making the application to prove, on a balance of probabilities, their claim(s). This means the applicant must provide the decision-maker sufficiently clear and convincing evidence to prove their claim.

[11] The *Act* states:

***19. Tenant shall pay rent when due***

*(1) A tenant shall pay rent when it is due under the tenancy agreement, whether or not the landlord complies with this Act, the regulations or the tenancy agreement, unless the tenant has an express right under this Act to deduct or withhold all or a portion of the rent.*

[12] The Officer finds that the Landlord has established they are entitled to rent owing for December 2023 and January 2024 totaling \$2,892.75. The Officer finds the Landlord has provided sufficient evidence, specifically the undisputed testimony of the Representative and the rental ledger to establish their claim.

## Conclusion

[13] The Application is allowed.

[14] The Tenant shall pay the Landlord the outstanding rent in the amount of \$2,892.75, on or before March 1, 2024.

## IT IS THEREFORE ORDERED THAT

A. The Tenant shall pay the Landlord the outstanding rent in the amount of \$2,892.75, on or before March 1, 2024.

**DATED** at Charlottetown, Prince Edward Island, this 2nd day of February, 2024.

\_\_\_\_\_  
(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 **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.