

Introduction

- [1] On February 28, 2024 the Landlord filed a *Landlord Application to Determine Dispute (Form 2(B))* (the "Application") with the Residential Tenancy Office (the "Rental Office") seeking rent owing against the Tenant, which is the subject of this decision.
- [2] On March 11, 2024 the Landlord filed an application with the Rental Office for vacant possession of the Unit and an order for the Sheriff to put the Landlord in possession, which is the subject of Order LD24-105.
- [3] On March 14, 2024 the Rental Office mailed the parties notice of a teleconference hearing scheduled for 1:00 p.m. on March 26, 2024, along with a copy of the Application. On this date the Representative taped a copy of the notice of hearing and the Application to the door of the Unit.
- [4] On March 22, 2024 the Rental Office emailed the Landlord an evidence package. On this date the Representative taped a copy of the evidence package to the door of the Unit.
- [5] On March 26, 2024 the Representative participated in a teleconference hearing with the Residential Tenancy Officer (the "Officer"). The Rental Office telephoned the Tenant at 1:05 p.m. but the Tenant's number had been disconnected. The Officer waited until 1:10 p.m. before proceeding with the hearing in the absence of the Tenant. The hearing concluded at 1:19 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 Landlord and the Tenant entered into a written, one-year fixed term tenancy agreement that commenced on May 1, 2022. The tenancy converted to a month-to-month agreement at the end of the fixed term. Rent in the amount of \$1,024.85 is due on the first day of the month and a \$975.00 security deposit was paid.
- [7] In Order LD24-105 the Officer found that the Tenant must vacate the Unit by 5:00 p.m. on April 3, 2024. The Officer also made the following finding at paragraph [14]:

"The Landlord's undisputed testimony and documentary evidence establishes that rental arrears of \$512.43 were outstanding as of February 7, 2024, the date that the Notice was served. Rent for March 2024, in the amount of \$1,024.85, also remains outstanding. The Tenant did not pay the rental arrears within ten days of service and did not file an application with the Rental Office disputing the Notice."
- [8] The Officer finds that the Tenant must pay the Landlord outstanding rent for February and March 2024, in the amount of \$1,537.28. The Tenant must also pay the Landlord prorated rent for the period of April 1 to 3, 2024, in the amount of \$102.49 (3 days divided by 30 days and multiplied by \$1,024.85).

[9] The Tenant must pay the Landlord rent totaling \$1,639.77 by the timeline below.

IT IS THEREFORE ORDERED THAT

1. The Tenant must pay the Landlord the amount of \$1,639.77 by April 15, 2024.

DATED at Charlottetown, Prince Edward Island, this 26th day of March, 2024.

(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.