

Introduction

- [1] On April 16, 2024 the Landlord filed a *Landlord Application to Determine Dispute (Form 2(B))* (the "Application") with the Residential Tenancy Office (the "Rental Office"). The Application included a claim for rent owing, which is the subject of this decision. The Application also seeks vacant possession of the Unit and an order for the Sheriff to put the Landlord in possession, which is the subject of Order LD24-138.
- [2] Attached to the Application was an *Eviction Notice (Form 4(A))* served by the Landlord to the Tenant on March 21, 2024, effective April 11, 2024 (the "Notice"), for the following reasons:

*You have not paid your rent in the amount of \$5254; and
You are repeatedly late in paying rent.*

Particulars of termination:

- *Property is also a mess. Multiple notices from municipality.*
- *Tried to work with tenant to settle rent owed.*

- [3] On April 17, 2024 the Rental Office mailed and emailed the parties notice of a teleconference hearing scheduled for 9:00 a.m. on April 25, 2024 (the "Notice of Hearing"), along with a copy of the Application.
- [4] On April 18, 2024 the Landlord had a copy of the Notice of Hearing and the Application delivered to an adult at the Unit. The Landlord also emailed a copy of the Application to the Tenant.
- [5] On April 22, 2024 the Rental Office emailed the parties an evidence package (the "Evidence Package").
- [6] On April 23, 2024 the Landlord had a copy of the Evidence Package taped to the Unit, near the front door.
- [7] At 9:00 a.m. on April 25, 2024 the Residential Tenancy Officer (the "Officer") and two representatives of the Landlord (the "Representatives") joined the teleconference hearing. The Officer did not have a telephone number to call the Tenant. At 9:09 a.m. the Officer emailed the Tenant advising that the telephone hearing would be commencing immediately. A further copy of the Notice of Hearing and the Application were attached to the email. The Officer was satisfied that the Tenant had been provided with notice of the hearing. At 9:11 a.m. the hearing proceeded in the absence of the Tenant. The hearing concluded at 9:38 a.m.

Issue to be Decided

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

Summary of the Evidence

- [8] The Representatives' evidence is summarized as follows.
- [9] The Unit is a single family dwelling that the Landlord purchased on May 24, 2011. Approximately five to ten years ago the Tenant and the Landlord entered into a tenancy agreement for the Unit. Rent in the amount of \$862.00 is due on the twentieth day of the month. A security deposit was not required.
- [10] The Tenant currently has \$5,254.00 in rental arrears dating back to October of 2023. The Landlord had previously made payment arrangements with the Tenant but the Tenant did not comply with the agreed upon payments.

Analysis and Conclusion

[11] Based upon the Representatives' testimony, which is corroborated by the documentary evidence, the Officer finds that the Tenant owes the Landlord rent totaling \$5,254.00 from October 2023 to April 2024.

[12] The Application is valid. The Tenant must pay the Landlord the rent owing by the timeline below.

IT IS THEREFORE ORDERED THAT

1. The Tenant must pay the Landlord the amount of \$5,254.00 by May 16, 2024.

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