

Introduction

- [1] On May 3, 2024 the Landlords 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 Unit and an order for the Sheriff to put the Landlord in possession.
- [2] On or about May 10, 2024 the Landlords filed with the Rental Office an *Eviction Notice (Form 4(A))* dated February 23, 2024 for effect on March 23, 2024 in support of the Application. The Officer notes that the earliest effective date was March 31, 2024 and this date is automatically corrected pursuant to section 54 of the *Residential Tenancy Act*.
- [3] On May 16, 2024 the Rental Office mailed and emailed the Tenant notice of a teleconference hearing scheduled for 1:00 p.m. on May 28, 2024 (the "Notice of Hearing"), along with a copy of the Application. The Rental Office emailed the Landlords a copy of the Notice of Hearing and the Application.
- [4] On May 24, 2024 the Rental Office emailed the parties an original 10-page evidence package (the "Original Evidence Package").
- [5] On May 27, 2024 the Rental Office received documentary evidence for the Landlords. On this date the Rental Office emailed the parties a supplementary 24-page evidence package (the "Supplementary Evidence Package").
- [6] At 1:00 p.m. on May 28, 2024 the Residential Tenancy Officer (the "Officer"), one of the Landlords (the "Landlord") and the Landlords' lawyer joined the teleconference hearing. The Rental Office telephoned the Tenant and provided the teleconference instructions. After approximately five minutes the Tenant still had not connected to the hearing. The Officer telephoned the Tenant on an additional telephone line and the Tenant was able to participate in the hearing.

Background

- [7] The Unit is a three-bedroom, one-bathroom unit located in a two-unit building that was purchased by one of the Landlords on or about August 1, 2023.
- [8] The Tenant stated that he moved into the Unit in the Fall of 2014 based upon a written tenancy agreement. The Tenant stated that he paid a \$1,218.00 security deposit about a month before move-in. The Tenant stated that the monthly rent is \$1,218.00, due on the first day of the month.
- [9] The Landlord stated that the Landlords were not aware of a security deposit paid by the Tenant.
- [10] The Officer notes that no determination is made regarding the security deposit in this decision.

Preliminary Matters

- [11] At the hearing the Tenant stated that he had not received the Original Evidence Package and the Supplementary Evidence Package. During the hearing the Officer emailed the Tenant a copy of both evidence packages. The Tenant stated that he ran out of data and he did not have a Wi-Fi connection to access the evidence packages.
- [12] The Tenant requested a one or two-day adjournment of the hearing, which was opposed by the Landlords.
- [13] The Officer ruled that the hearing would be adjourned to provide the Tenant with additional time to access the evidence packages.

- [14] While the Officer was canvassing an appropriate adjourned hearing date, the Tenant initiated settlement discussions with the Landlord regarding the Application.

Settlement

- [15] The parties were able to reach an agreement regarding the Application on the following terms:
- The tenancy between the parties shall terminate effective 5:00 p.m. on Monday, June 10, 2024. The Tenant and all occupants must vacate the Unit by this time and date.
 - A certified copy of this Order may be filed in the Supreme Court and enforced by Sheriff Services as permitted by the *Act*.

- [16] The agreement of the parties is ordered below.

IT IS THEREFORE ORDERED THAT

1. The tenancy between the parties shall terminate effective **5:00 p.m. on Monday, June 10, 2024**. The Tenant and all occupants must vacate the Unit by this time and date.
2. A certified copy of this Order may be filed in the Supreme Court and enforced by Sheriff Services as permitted by the *Act*.

DATED at Charlottetown, Prince Edward Island, this 28th day of May, 2024.

(sgd.) Andrew Cudmore

Andrew Cudmore
Residential Tenancy Officer

NOTICE

Right to Appeal

The parties may seek to appeal this Order 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 **7 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.