

**INTRODUCTION**

- [1] The application legislation is the *Residential Tenancy Act* (the “Act”).
- [2] On June 3, 2024 the Landlords filed a *Form 2 (B) Landlord Application to Determine Dispute* (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 Rental Unit and an order for the Sheriff to put the Landlord in possession, which is the subject of Order LD24-208.
- [3] On June 6, 2024 one of the Landlords (the “Landlord”) personally delivered the Application to the Tenant.
- [4] The Application was supported by an *Eviction Notice (Form 4 (A))* (the “Notice”).
- [5] The Notice dated May 10, 2024 effective May 31, 2024 was served by the Landlord to the Tenant on May 10, 2024 by posting the Notice to the front door of the Rental Unit for the following reason:

*You have not paid your rent in the amount of \$370.00 March / \$200.00 April / \$700.00 May \$1,270.00.*

*The particulars of termination state:*

*“I have tried to contract multiple times over 4 months for rent. Rents have been paid late for over 1 year. Hand delivered Notice on May 10, 2024.”*

- [6] On June 17, 2024 the Rental Office mailed the parties notice of a teleconference hearing (the “Notice of Hearing”), along with a copy of the Application. The Rental Office also emailed a copy of the Notice of Hearing to the Landlord, and on June 17, 2024, the Landlord posted the Notice of Hearing to the front door of the Rental Unit.
- [7] On June 21, 2024 the Rental Office emailed the evidence package (the “EP”) to the Landlord.
- [8] On June 25, 2024 at 11:18 a.m., the Landlord emailed the Rental Office with photographs of the Landlord personally delivering the EP to the Tenant. The EP contains 33 pages of documents submitted by the Landlords.
- [9] On June 25, 2024 at 1:00 p.m. a teleconference hearing was held before the Residential Tenancy Officer (the “Officer”). The Landlord participated, but the Tenant did not call into the teleconference hearing. The Officer postponed the hearing for 10 minutes and attempted to contact the Tenant. The Tenant did not have an email and the phone number provided was out of service. The Officer was satisfied with the Landlord’s evidence that the Tenant was properly served all the relevant documents, namely the Application, the Notice of Hearing and the EP. The hearing proceeded in the Tenant’s absence.

**PRELIMINARY MATTER – AMENDMENT TO THE APPLICATION TO INCLUDE JUNE 2024 RENT**

- [10] The Landlord sought an amendment to the rent owing claim of the Application to include \$700.00 in rental arrears for June 2024.
- [11] The Officer approved the amendment to include June 2024 arrears.

**ISSUE**

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

**SUMMARY OF THE EVIDENCE**

- [12] The Rental Unit is situated in a triplex (the "Residential Property").
- [13] In January 2023 the Tenant took over the tenancy agreement. In September 2023 the parties renewed the tenancy agreement with a written, fixed-term agreement for the period of September 1, 2023 to August 31, 2024. Rent is \$700 due on the first day of the month. No security deposit was required.

**LANDLORDS' EVIDENCE AND SUBMISSIONS**

- [14] The Landlords submitted 33-pages of documents into evidence including: photographs of proof of service, and text messages between the parties.
- [15] The Landlord stated that the Tenant has repeatedly had issues paying the rent. The Landlord stated that he would regularly have to chase the Tenant to collect the rent.
- [16] The Landlord stated that the last payment for rent he received was \$500.00 in April 2024.
- [17] On May 10, 2024 he served the Tenant with the Notice.
- [18] The Landlord stated that the Tenant owes \$1,970.00 in rental arrears. This includes:
- March 2024 arrears: \$370.00;
  - April 2024 arrears: \$200.00;
  - May 2024 arrears: \$700.00; and
  - June 2024 arrears: \$700.00.

**ANALYSIS & CONCLUSION**

- [19] In Order LD24-208, the Officer found that the Tenant must vacate the Rental Unit by 5:00 p.m. on July 5, 2024.
- [20] The evidence establishes that the Tenant owes \$1,970.00 in rental arrears to the Landlord. The Application is allowed. The Tenant must pay the Landlord \$1,970.00, by the timeline below.

**IT IS THEREFORE ORDERED THAT**

- I The Tenant must pay the Landlord the amount of \$1,970.00 by July 31, 2024.**

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

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(sgd.) Cody Burke  
Cody Burke  
Residential Tenancy Officer

**NOTICE**

**Right to Appeal**

This Order can be appealed to the Island Regulatory and Appeals 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.