

INTRODUCTION

- [1] On June 3, 2024 the Landlords filed an amended *Landlord Application to Determine Dispute (Form 2(B))* (the "Application") with the Residential Tenancy Office (the "Rental Office") pursuant to the *Residential Tenancy Act*. The Application included a claim for rent owing, which is the subject of this decision.
- [2] The Application also seeks vacant possession of the Unit and an order for the Sheriff to put the Landlords in possession, which is the subject of Order LD24-209.
- [3] Attached to the Application was an *Eviction Notice (Form 4(A))* served on May 8, 2024 by the Landlords to the Tenant, effective May 31, 2024, for non-payment of rent in the amount of \$2,500.00 (the "Notice").
- [4] On June 13, 2024 the Rental Office mailed the parties notice of a teleconference hearing scheduled for 9:00 a.m. on June 27, 2024 (the "Notice of Hearing"), along with a copy of the Application. These documents were also emailed to the Landlords. The Landlords messaged copies of the documents to the Tenant and taped a copy to the Unit's door.
- [5] On June 24, 2024 the Rental Office emailed the Landlords an evidence package (the "Evidence Package"). The Landlords messaged the Tenant a copy of the Evidence Package and taped a copy to the Unit's door.
- [6] At 9:00 a.m. on June 27, 2024 the Residential Tenancy Officer (the "Officer") and the Landlords participated in a teleconference hearing. The Tenant did not join the hearing. The Officer telephoned the Tenant but there was no response. The Officer waited until 9:10 a.m. before proceeding with the hearing in the absence of the Tenant.

ISSUE

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

SUMMARY OF THE EVIDENCE

- [7] The Landlords' evidence is summarized as follows.
- [8] The Unit is a three-bedroom, two-bathroom single family dwelling that the Landlords have owned since January 30, 2023.
- [9] The Landlords and the Tenant entered into a written, fixed term tenancy agreement for the period of January 1, 2024 to January 1, 2025. Rent in the amount of \$2,000.00 is due on the first day of the month and a \$1,000.00 security deposit was paid on January 11, 2024.
- [10] On May 8, 2024 the Landlords served the Notice to the Tenant for rent owing in the amount of \$2,500.00. The Tenant has not paid the rental arrears and also has not paid rent for June of 2024, in the additional amount of \$2,000.00.

ANALYSIS AND CONCLUSION

- [11] The evidence establishes that the Tenant owes the Landlords \$4,500.00 in rent for part of April, May and June of 2024.
- [12] In Order LD24-209, the Officer found that the Tenant must vacate the Unit by 5:00 p.m. on July 4, 2024.

- [13] The Officer finds that the Tenant must also pay the Landlords prorated July 2024 rent, in the amount of \$258.06 (4 days divided by 31 days and multiplied by \$2,000.00).
- [14] The Application is valid. The Tenant must pay the Landlords rent, in the total amount of \$4,758.06, by the timeline below.

IT IS THEREFORE ORDERED THAT

1. The Tenant must pay the Landlords the amount of \$4,758.06 by July 17, 2024.

DATED at Charlottetown, Prince Edward Island, this 27th day of June, 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.