

INTRODUCTION

- [1] The applicable legislation is the *Residential Tenancy Act* (the “Act”).
- [2] On July 9, 2024 the Landlord filed a *Form 2 (B) Landlord Application to Determine Dispute* (the “Application”) with the Residential Tenancy Office (the “Rental Office”) seeking a monetary order for rent owed. The Application was emailed to the Tenant.
- [3] The Application seeks \$159.45 for nine days of rent for July 2024 and 1/3rd of the electricity bill for June 2024.
- [4] On July 16, 2024 the Rental Office emailed the parties notice of a teleconference hearing.
- [5] On July 17, 2024 the Landlord amended the Application. The Tenant was emailed a copy of the amended Application.
- [6] On August 2, 2024 the Rental Office emailed the parties an evidence package (“EP”).
- [7] On August 6, 2024 at 1:00 p.m. a teleconference was held before the Residential Tenancy Officer (the “Officer”). The Landlord participated at the hearing. The Tenant contacted the Rental Office prior to the hearing to notify that he would not be participating at the hearing. The Tenant did not request an adjournment. The hearing proceeded in the Tenant’s absence.

ISSUE

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

SUMMARY OF EVIDENCE

- [8] The Rental Unit was a single bedroom in a 4-bedroom, single-family dwelling with shared facilities.
- [9] In the summer of 2021, the Tenant and the Landlord entered into an oral month-to-month sublet tenancy agreement. The Tenant’s share of the rent is \$383.33 due on the first day of the month. The Tenant was also responsible for 1/3rd of the electricity bill. No security deposit was required.

LANDLORD’S EVIDENCE AND SUBMISSIONS

- [10] The Landlord submitted 6-pages of documents into evidence including: an email submission, Maritime Electric monthly bill for June 2024, the fifth page of Rental Office Order LD24-206, a hand written note for rent owed, and a Sheriff’s Notice of Non-Entry.
- [11] The Landlord stated that on July 9, 2024 Sheriff Services executed Order LD24-206, and the Tenant was not permitted entry to the Rental Unit.
- [12] The Landlord stated that the Tenant occupied the Rental Unit for nine days in July 2024. The Tenant owes rent for those nine days, in the amount of \$111.29, and the Tenant owes \$48.16 for 1/3rd of the electricity bill from June 2024.

ANALYSIS & CONCLUSION

- [13] Based on the documentary evidence and the undisputed testimony from the Landlord, the Officer finds that the tenancy was terminated effective July 5, 2024, pursuant to Order LD24-206. Sheriff Serviced executed the Order on July 9, 2024 and the Tenant was no longer permitted on the Rental Unit.

[14] Subsection 74(1) of the Act entitles the Landlord to compensation when the Tenant uses and occupies the Rental Unit after the tenancy has been terminated. Therefore, the Officer finds that the Tenant owes the Landlord nine-days of rent plus 1/3rd of the electricity costs.

[15] The Application is allowed. The Tenant must pay the Landlord \$159.45 (\$111.29 (9 days rent) + \$48.16 (1/3rd electricity bill for June 2024)) by the timeline below.

IT IS THEREFORE ORDERED THAT

- I. **The Tenant must pay the Landlord the amount of \$159.45 by September 12, 2024.**

DATED at Charlottetown, Prince Edward Island, this 22nd day of August, 2024.

(sgd.) Cody Burke

Cody Burke
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.