

## INTRODUCTION

- [1] The applicable legislation is the *Residential Tenancy Act* (the “Act”).
- [2] On August 7, 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 and for vacant possession of the Rental Unit. The Application was posted to the door of the Rental Unit on the same date.
- [3] Attached to the Application was an *Eviction Notice (Form 4(A))* served on July 11, 2024, effective July 31, 2024, by the Landlord to the Tenant for non-payment of rent in the amount of \$1,000.00 (the “Notice”).
- [4] On August 14, 2024, the Rental Office emailed the parties notice of a teleconference hearing.
- [5] On August 21, 2024, the Rental Office emailed the parties an evidence package.
- [6] On August 22, 2024, a teleconference hearing was held before the Residential Tenancy Officer (the “Officer”). A Landlord representative (the “Representative”) and the Tenant participated at the hearing.
- [7] On August 28, 2024, the Representative notified the Rental Office that the Tenant had vacated the Rental Unit on August 27, 2024. Therefore, the Officer does not need to make a determination regarding vacant possession of the Rental Unit.

## ISSUE

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

## SUMMARY OF EVIDENCE

- [8] The Rental Unit is an apartment located in a multi-unit building. On February 1, 2024, the parties entered into a written month-to-month tenancy agreement for the Rental Unit. Rent was \$1,000.00 due on the first day of the month and a \$1,000.00 security deposit was paid on April 30, 2024.

### LANDLORD’S EVIDENCE AND SUBMISSIONS

#### **The Representative’s evidence is summarized as follows.**

- [9] The Tenant did not pay rent for July 2024 and the Representative served the Tenant with the Notice on July 11, 2024. The Tenant did not vacate by July 31, 2024, and the Representative filed the Application for rent owing and vacant possession of the Rental Unit. The Tenant is still living in the Rental Unit and owes rent for July and August 2024. A copy of the Tenant’s rental ledger and messages between the parties were submitted into evidence.
- [10] On August 28, 2024, the Representative notified the Rental Office that the Tenant had vacated the Rental Unit on August 27, 2024.

### TENANT’S EVIDENCE AND SUBMISSIONS

#### **The Tenant’s evidence is summarized as follows.**

- [11] The Tenant did not dispute the Representative’s testimony. The Tenant had financial challenges and she was unable to pay rent for July and August. The Tenant is going back to work soon and she will be able to pay the rental arrears. The Tenant is moving out of the Rental Unit and she should be out within a few days.

**ANALYSIS & CONCLUSION**

[12] Based on the documentary evidence and the testimony of the parties, the Officer finds that the Tenant owes the Landlord rent for July 2024 (\$1,000.00) and for 27 days in August 2024 (\$870.97), totaling \$1,870.97.

[13] The Application is allowed. The Tenant must pay the Landlord \$1,870.97 by the timeline below.

**IT IS THEREFORE ORDERED THAT**

I. The Tenant must pay the Landlord \$1,870.97 by October 3, 2024.

**DATED** at Charlottetown, Prince Edward Island, this 13th day of September, 2024.

\_\_\_\_\_  
(sgd.) Mitchell King  
Mitchell King  
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.