

INTRODUCTION

- [1] The applicable legislation is the *Residential Tenancy Act* (the “Act”).
- [2] On August 14, 2024, the Landlord filed an amended *Form 2 (B) Landlord Application to Determine Dispute* (the “Application”) with the Residential Tenancy Office (the “Rental Office”). The Application seeks a monetary order for rent owed.
- [3] The Application also included a request for vacant possession of the Rental Unit, which is the subject of Order LD24-298.
- [4] The Application was supported by a *Form 4 (A) Eviction Notice* (the “Notice”). The Notice was dated June 24, 2024, effective July 24, 2024, and was served by the Landlord to the Tenants on June 24, 2024, by email for the following reasons:

*You have not paid your rent in the amount of \$2850; and
You are repeatedly late in paying rent.*

- [5] On August 21, 2024, a notice of teleconference hearing was mailed and emailed to the parties. The hearing notice was emailed to each Tenant’s separate email addresses.
- [6] On August 28, 2024, an evidence package was emailed to the parties. The evidence package was emailed to each Tenant’s separate email addresses. No evidence was submitted by the Tenants.
- [7] On September 10, 2024, a teleconference hearing was held before the Residential Tenancy Officer (the “Officer”). A Landlord representative (the “Representative”) called into the hearing but the Tenants did not call in. As the Rental Office did not have phone numbers for the Tenants, the Officer was unable to call the Tenants. The Officer waited ten minutes and the hearing proceeded in the absence of the Tenants.
- [8] The Officer is satisfied that the Tenants were properly served all documents by email. The Landlord submitted into evidence recent correspondence between the Landlord and each Tenant using the email addresses provided to the Rental Office by the Landlord.

ISSUE

- i. Do the Tenants owe rent to the Landlord?

SUMMARY OF THE EVIDENCE

- [9] On October 1, 2023, the parties entered into a written fixed-term tenancy agreement for the period of October 1, 2023, to September 30, 2024. Rent is \$2,850.00 due on the first day of the month and a security deposit of \$2,850.00 was paid.

LANDLORD’S EVIDENCE AND SUBMISSIONS**The Representative’s evidence is summarized as follows.**

- [10] The Tenants have not paid rent since May 2024. When the rent for June was not paid, the Landlord served the Notice to the Tenants. The Tenants owe rent for June, July, and August 2024, totaling \$8,550.00. The Landlord is not seeking any rent owing for September 2024.
- [11] After the Notice was served, one of the Tenants notified the Representative that he had moved out of the Rental Unit a few months ago. The Representative stated that there was no amendment to the tenancy agreement so both Tenants are still liable for the rent. A copy of the Tenants’ rental ledger was submitted into evidence.

ANALYSIS & CONCLUSION

[12] The Act states:

- 19. Tenant shall pay rent when due**
- (1) *A tenant shall pay rent when it is due under the tenancy agreement, whether or not the landlord complies with this Act, the regulations or the tenancy agreement, unless the tenant has an express right under this Act to deduct or withhold all or a portion of the rent.*

[13] The Officer finds that the Landlord has provided sufficient evidence, specifically the undisputed testimony of the Representative and the submitted rental ledger, to establish that the Tenants owe the Landlord outstanding rent for June 2024, July 2024, and August 2024, totaling \$8,550.00.

[14] The Application is allowed.

[15] The Tenants must pay the Landlord \$8,550.00 by the timeline below.

[16] In Order LD24-298, the Officer found that the Tenants must vacate the Rental Unit by 5:00 p.m. on September 20, 2024.

IT IS THEREFORE ORDERED THAT

- I. The Tenants must pay the Landlord \$8,550.00 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 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.