

INTRODUCTION

- [1] The Landlord seeks an Order requiring the Tenant and all occupants to vacate the Unit because the Tenant owes the Landlord rent.

DISPOSITION

- [2] I find that the Tenant and all occupants must vacate the Unit due to non-payment of rent.

BACKGROUND

- [3] The parties entered into a written, fixed-term tenancy agreement for the Unit for August 1, 2024, to July 31, 2025. Rent in the amount of \$2,500.00 is due on the first day of the month. A \$2,500.00 security deposit was paid at the beginning of the tenancy.
- [4] On September 4, 2024, the Landlord emailed the Tenant a *Form 4 (A) Eviction Notice* (the "Notice") for non-payment of rental arrears in the amount of \$3,570.00. The effective date in the Notice was September 24, 2024.
- [5] On October 1, 2024, the Landlord filed a *Form 2 (B) Landlord Application to Determine Dispute* (the "Application") with the Residential Tenancy Office (the "Rental Office"). The Application seeks an Order for vacant possession of the Unit and for the Sheriff to put the Landlord in possession, which is the subject of this decision. A copy was emailed to the Tenant.
- [6] The Application also seeks a monetary order for rent owing, which is the subject of **Order LD24-380**.
- [7] On October 23, 2024, the Rental Office mailed and emailed the parties notice of a teleconference hearing scheduled for November 5, 2024, along with a copy of the Application.
- [8] On October 31, 2024, the Rental Office emailed the parties an evidence package.
- [9] On November 5, 2024, two Landlord representatives (the "Representatives") and the Tenant participated in a teleconference hearing. The Representatives confirmed they received the evidence package and all submitted documents were included.
- [10] The Tenant stated she did not receive the evidence package. I offered to postpone the hearing to allow the Tenant time to review the evidence package. The Tenant did not want to postpone the hearing and she stated she would review the evidence package after the hearing.
- [11] After the hearing I re-sent the Tenant a copy of the evidence package. The Tenant was given until November 6, 2024, to provide submissions. No additional submissions were received.

ISSUE

- A. Must the Tenant and all occupants vacate the Unit?

ANALYSIS

[12] The Landlord is seeking to terminate the tenancy under subsection 60(1) of the *Residential Tenancy Act* (the “Act”), which states:

A landlord may end a tenancy if rent is unpaid after the day it is due, by giving a notice of termination effective on a date that is not earlier than 20 days after the date the tenant receives the notice.

[13] The Representatives stated the Tenant owes \$5,695.00 in outstanding rent, which includes November 2024. A copy of the Tenant’s rental ledger and messages between the parties were submitted into evidence.

[14] The Tenant agreed she owes \$5,695.00 in rent and she is trying to pay the rental arrears as soon as she can.

[15] The Representatives’ evidence establishes that the Tenant did not pay the full rental arrears of \$3,570.00 within 10-days after the Notice was served. Therefore, the Notice was not invalidated under clause 60(4)(a) of the Act, which states:

Within 10 days after receiving a notice of termination under this section, the tenant may (a) pay the overdue rent, in which case the notice of termination has no effect.

[16] The Tenant did not file an application with the Rental Office disputing the Notice under clause 60(4)(b) of the Act.

[17] I find that the Notice is valid and the Application is allowed. The Tenant and all occupants must vacate the Unit by the timeline below.

IT IS THEREFORE ORDERED THAT

1. The tenancy between the parties shall terminate effective **5:00 p.m. on November 14, 2024**. The Tenant and all occupants must vacate the Unit by this time and date.
2. A certified copy of this Order may be filed in the Supreme Court and enforced by Sheriff Services as permitted by the Act.

DATED at Charlottetown, Prince Edward Island, this 7th day of November, 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 **7 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.