

INTRODUCTION

[1] The Landlord seeks an Order requiring the Tenant to vacate the Unit for possession by the Landlord's daughter.

DISPOSITION

[2] I find that the Tenant and all occupants must vacate the Unit.

BACKGROUND

[3] The Unit is an apartment in a multi-unit building.

[4] The parties entered into a written, month-to-month tenancy agreement for the Unit beginning February 1, 2024. Rent in the amount of \$1,375.00 is due on the first day of the month. A \$975.00 security deposit was paid at the beginning of the tenancy.

[5] On June 1, 2024, the Landlord served the Tenant with a *Form 4 (B) Eviction Notice* (the "Notice") for possession of the Unit by the Landlord's daughter. The effective date in the Notice was September 30, 2024.

[6] I note that this effective date is automatically changed to October 31, 2024, under section 54 of the *Residential Tenancy Act* (the "Act") because the Landlord was required to provide the Tenant with a minimum of four full months' notice and be served the day before rent is due (clause 62(2)).

[7] On November 1, 2024, the Landlord filed a *Form 2 (B) Landlord Application to Determine Dispute* (the "Landlord Application") with the Residential Tenancy Office (the "Rental Office"). The Landlord Application seeks an Order for vacant possession of the Unit and for the Sheriff to put the Landlord in possession.

[8] On November 1, 2024, the Rental Office mailed the Tenant and emailed the parties notice of a teleconference hearing scheduled for November 12, 2024, along with a copy of the Landlord Application.

[9] On November 8, 2024, the Rental Office emailed the parties an evidence package.

[10] On November 12, 2024, the Tenant filed a *Form 2 (A) Tenant Application to Determine Dispute* (the "Tenant Application") with the Rental Office disputing the Notice. A copy of the Tenant Application was emailed to the Landlord by the Rental Office on November 12, 2024.

[11] On November 12, 2024, the Landlord, the Tenant, and a Tenant witness participated in a teleconference hearing. The parties confirmed they received the evidence package and all submitted documents were included.

ISSUE

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

ANALYSIS

[12] The Landlord's reason for terminating the tenancy is under clause 62(1)(c) of the Act, which states:

A landlord who is an individual may end a tenancy by giving a notice of termination if the landlord in good faith requires possession of the rental unit for the purpose of residential occupation for a period of at least one year by

(c) a child, parent or a dependent of the landlord or the landlord's spouse.

[13] The Landlord testified that he served the Tenant the Notice on June 1, 2024, by Facebook Messenger and by posting a copy of the Notice to the Unit's door. The Tenant replied to the Landlord's message and acknowledged receipt of the Notice in Facebook Messenger. A copy of the messages between the parties and a photograph of the Notice on the Unit's door were submitted into evidence.

[14] The Landlord stated his daughter has moved back to PEI for work and personal reasons and she intends to occupy the Unit for at least one year. The Landlord stated his daughter is paying storage for her possessions and she is renting other accommodations until she can move into the Unit. A copy of a storage invoice was submitted into evidence. The Landlord stated he is aware he must compensate the Tenant one month's rent and moving expenses if she is evicted (sections 72 and 73).

[15] The Tenant stated she has been looking for another rental unit but she has been unable to find another place to move to. The Tenant would like to remain in the Unit as she cannot find any other living accommodations.

[16] I have reviewed the evidence, the testimony of the parties, and the legislative requirements set out under section 62 of the Act. At the time the Notice was served there were no existing Rental Office disputes. The Landlord has provided corroborating evidence and the Tenant did not raise any evidence that the Landlord's daughter would not be moving into the Unit.

[17] I find that the Landlord has established, on a balance of probabilities, that he served the Notice to the Tenant in good faith, and that the Landlord's daughter intends to occupy the Unit for at least one year.

[18] I find that the Notice is valid, the Landlord Application is allowed, and the Tenant Application is denied. 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 December 4, 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 14th 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 **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.