

INTRODUCTION

- [1] The Landlords request a monetary order against the Tenants for rental arrears, NSF fees and a water bill.

DISPOSITION

- [2] I find that the Tenants must pay the Landlords \$7,787.45.

BACKGROUND

- [3] The Unit is a single family home, and the Landlords manage the property for the property owner.
- [4] On June 23, 2024 the Tenants and the property owner entered into a written, fixed-term tenancy from July 1, 2024 to June 30, 2025. A \$2,600.00 security deposit was paid at the beginning of the tenancy. Rent is \$2,600.00 due on the first day of the month.
- [5] On October 4, 2024 the Landlords served the Tenants with a *Form 4 (A) Eviction Notice* (the "Notice") for non-payment of rent. The effective date in the Notice was October 25, 2024.
- [6] On October 28, 2024 the Landlords filed a *Form 2 (B) Landlord Application to Determine Dispute* (the "Application") with the Residential Tenancy Office (the "Rental Office"). The Application requests a monetary order for rent owing, which is the subject of this decision.
- [7] The Application also requests an order for vacant possession of the Unit and for the Sheriff to put the Landlords in possession, which is the subject of Order LD24-390.
- [8] On October 28, 2024 the Tenants tried to file a *Form 2 (A) Tenant Application to Determine Dispute* with the Rental Office to dispute the Notice. However, the Rental Office rejected the application because the Tenants only had ten days from receiving the Notice to dispute it under subsection 60(4) of the *Residential Tenancy Act* (or the "Act").
- [9] On November 1, 2024 the Rental Office mailed and emailed the parties notice of a teleconference hearing scheduled for November 12, 2024, along with a copy of the Application.
- [10] On November 7, 2024 the Rental Office emailed the parties an evidence package (the "Evidence Package" or "EP").
- [11] On November 12, 2024 the Landlords and the Tenants participated at the hearing. The Landlords confirmed receipt of the Evidence Package and confirmed that any documentary evidence submitted to the Rental Office was included. The Tenants stated that they did not receive the Evidence Package. I re-sent the Evidence Package via email at the beginning of the hearing to the Tenants. The Tenants confirmed receipt of the Evidence Package. The Tenants did not require additional time to review the Evidence Package.

ISSUE

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

ANALYSIS

- [12] The parties agree that the Tenants did not pay September, October and November 2024 rent. Additionally, the Tenants did not pay the water bill from July to September 2024. The Landlords accumulated three NSF fees because of the non-payment of rent. The Tenants must pay the Landlords \$7,787.45, calculated as follows:

- September 2024 rent: \$2,400.00;
- October 2024 rent: \$2,600.00;
- November 2024 rent: \$2,600.00;
- Water bill (JUL-SEP) \$112.45; and
- NSF fees (\$25.00 each) \$75.00.

[13] I note that in Order LD24-390, the tenancy was terminated effective 5:00 p.m. on November 27, 2024. However, if the Tenants paid the Landlords the total amount of \$7,787.45 by 5:00 p.m. on November 22, 2024, then the Landlords would not file Order LD24-390 with the Supreme Court.

[14] On Saturday, November 23, 2024 the Landlords emailed the Rental Office to advise that the Tenants have not paid the arrears. The Landlords did not include the Tenants in the email. The Rental Office responded to the Landlords' email acknowledging receipt of the email and included the Tenants in the email correspondence.

IT IS THEREFORE ORDERED THAT

1. The Tenants must pay the Landlords \$7,787.45 by December 16, 2024.

DATED at Charlottetown, Prince Edward Island, this 25th day of November, 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.