

INTRODUCTION

- [1] The Tenant filed an application and an amended application requesting the Landlord provide the tenancy agreement and/or other information required by the *Residential Tenancy Act* (or the “Act”), disputing a notice of termination (Form 4 (A)), and requesting a determination under clause (i) of these applications.

DISPOSITION

- [2] The Tenant’s application and amended application have been settled on the terms provided below.

BACKGROUND

- [3] The Landlord and the Tenant entered into a written, fixed term tenancy agreement for the period of April 15, 2024 to March 30, 2025. Rent in the amount of \$1,235.00 is due on the first day of the month. A security deposit of \$1,235.00 was paid before the Tenant moved into the Unit.
- [4] On November 8, 2024 the Tenant filed a *Tenant Application to Determine Dispute* (Form 2(A)) (the “Application”) with the Residential Tenancy Office (the “Rental Office”).
- [5] The Application was accompanied by an *Eviction Notice* (Form 4(A)) dated October 23, 2024 for effect on November 30, 2024 (the “Notice”) served under section 61 of the *Residential Tenancy Act*.
- [6] On November 15, 2024 the Tenant filed an amended *Tenant Application to Determine Dispute* (Form 2(A)) (the “Amended Application”) with the Rental Office.
- [7] The Application and the Amended Application are referred to collectively as the “Applications.”
- [8] On November 22, 2024 the Rental Office emailed the parties notice of a teleconference hearing scheduled for December 5, 2024, along with a copy of the Applications.
- [9] On December 3, 2024 the Rental Office sent the parties an evidence package electronically by Titan File. On December 4, 2024 the Landlord had a copy of the evidence package taped to the Unit’s door.
- [10] On December 5, 2024 the Tenant, the Landlord, the Landlord’s first witness (“SVDL”), the Landlord’s second witness (“DB”) and the Landlord’s third witness (“TMB”) participated in a teleconference hearing for determination of the Applications.

SETTLEMENT

- [11] At the beginning of the hearing the Tenant confirmed that the Tenant had a copy of the tenancy agreement and the Landlord’s contact information.
- [12] At the beginning of the hearing the parties also reached an agreement regarding the Applications on the following terms:
- The tenancy between the parties will terminate at or before 5:00 p.m. on December 12, 2024. The Tenant and all occupants must vacate the Unit at or before this time and date.
 - The Tenant will advise the Landlord or a representative of the Landlord when the Tenant vacates the Unit.
 - A certified copy of this Order may be filed in the Supreme Court and enforced by Sheriff Services as permitted by the *Act*.

- The parties agreed that DB and TMB will not access the Unit until after 5:00 p.m. on December 12, 2024.

[13] During the hearing the parties agreed that SVDL will be the Tenant's contact person instead of DB and TMB. SVDL provided her telephone number to the Tenant during the hearing.

[14] The Officer advised the parties that rules from the *Residential Tenancy Act* regarding access to the Unit and quiet enjoyment would be provided with this decision. Attached to this decision are sections 22 to 29 of the *Act*.

[15] The parties agreed that this settlement addressed the matters in the Applications.

[16] I confirmed with the parties their email addresses for delivery of this Order.

IT IS THEREFORE ORDERED THAT

1. The tenancy between the parties will terminate at or before **5:00 p.m. on December 12, 2024**. The Tenant and all occupants must vacate the Unit at or before this time and date.
2. The Tenant will advise the Landlord or a representative of the Landlord when the Tenant vacates the Unit.
3. A certified copy of this Order may be filed in the Supreme Court and enforced by Sheriff Services as permitted by the *Act*.
4. DB and TMB will not access the Unit until after 5:00 p.m. on December 12, 2024.

DATED at Charlottetown, Prince Edward Island, this 5th day of December, 2024.

(sgd.) Andrew Cudmore

Andrew Cudmore
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.