

**INTRODUCTION**

- [1] The Landlord seeks an order requiring the Tenants to vacate the Unit for non-payment of rent.

**DISPOSITION**

- [2] I find that the Tenants and all occupants must vacate the Unit for non-payment of rent.

**BACKGROUND**

- [3] The parties entered into a written, fixed-term tenancy agreement for the Unit for the period of February 20, 2024 to January 31, 2025. A security deposit of \$2,800.00 was paid on February 7, 2024. Rent of \$2,800.00 is due on the first day of the month.
- [4] On November 4, 2024 the Landlord served the Tenants with a *Form 4 (A) Eviction Notice* with an effective date of November 24, 2024 (the "Notice") for non-payment of November 2024 rent.
- [5] On December 27, 2024 the Landlord filed a *Form 2 (B) Landlord Application to Determine Dispute* with the Residential Tenancy Office (the "Rental Office") seeking vacant possession of the Unit and for the Sheriff to put the Landlord in possession, which is the subject of this decision. The Application also seeks rent owing, which is the subject of Order LD25-011.
- [6] On January 2, 2025 the Rental Office mailed and emailed the parties notice of a teleconference hearing scheduled for January 14, 2025.
- [7] On January 9, 2025 the Rental Office emailed the parties an evidence package (the "Evidence Package").
- [8] On January 13, 2025 the Tenant submitted additional evidence (the "Additional Evidence") to the Rental Office that was forwarded to the Landlord.
- [9] On January 14, 2025 the Landlord and one of the Tenants (the "Tenant") joined the teleconference hearing for determination of the Application. The Tenant represented both of the Tenants. The parties confirmed receipt of the Evidence Package and the Additional Evidence and the parties confirmed that all documents submitted to the Rental Office were included.

**ISSUE**

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

**ANALYSIS**

- [10] The Landlord's reason in the Notice for terminating the tenancy is pursuant to subsection 60(1) of the *Residential Tenancy Act* (or 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.*
- [11] The Tenants were responsible for paying November 2024's rent to the Landlord by November 1, 2024. The Tenants did not pay November 2024's rent, in the amount of \$2,800.00, by November 4, 2024. Therefore, rent was owed as of the date the Notice was served.
- [12] The Tenants did not pay November 2024's rent within ten days of the date the Notice being served.

[13] 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.*

[14] The parties agreed that, after two recent payments, \$1,900.00 is outstanding for December 2024 rent and no rent has been paid for January 2025. The Tenant agreed that the Tenants also owe a \$100.00 fee to the Landlord.

[15] For these reasons, I find that the Notice is valid and the Application is allowed.

[16] The Tenants and all occupants must vacate the Unit by the timeline below. The Tenants must notify the Landlord in writing when the Tenants vacate the Unit.

#### IT IS THEREFORE ORDERED THAT

1. The tenancy between the parties will terminate effective **5:00 p.m. on January 21, 2025**.
2. The Tenants and all occupants must vacate the Unit by this time and date.
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. The Tenants will advise a representative of the Landlord in writing when the Tenants vacate the Unit.

**DATED** at Charlottetown, Prince Edward Island, this 14th day of January, 2025.

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(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.