

INTRODUCTION

[1] The Landlord applied for rent owing against the Tenant in the amount of \$1,855.72.

DISPOSITION

[2] The Tenant paid rent after the Landlord applied for rent owing and additional rent has become due.

[3] I find that the Landlord has established a rent owing claim in the amount of \$1,077.51. The Landlord will keep the Tenant's security deposit, in the amount of \$453.77. The Tenant will pay the Landlord the \$623.74 balance by the timeline below.

BACKGROUND

[4] The Unit is a two-bedroom, one-bathroom apartment in a 35-unit building (the "Residential Property").

[5] The former owner of the Residential Property, the Tenant and another tenant entered into a written, fixed-term tenancy agreement for the Unit from May 1, 2017 to April 30, 2018. At the end of the term the tenancy continued on a month-to-month basis. A \$413.50 security deposit was paid on April 28, 2017.

[6] The other tenant moved out of the Unit in 2020 or 2021. The Tenant paid the other tenant their share of the security deposit.

[7] On November 22, 2023 the Landlord purchased the Residential Property and the tenancy continued. Rent of \$927.86 is due on the first day of the month.

[8] On February 11, 2025 the Landlord served the Tenant with a first *Form 4(A) Eviction Notice* with an effective date of March 3, 2025 (the "First Notice") for non-payment of rent in the amount of \$2,807.72.

[9] On March 7, 2025 the Landlord served the Tenant with a second *Form 4(A) Eviction Notice* with an effective date of March 28, 2025 (the "Second Notice") for non-payment of rent in the amount of \$1,855.72.

[10] The First Notice and the Second Notice are together referred to as the "Notices."

[11] On March 26, 2025 the Landlord filed a *Form 2(B) Landlord Application to Determine Dispute* (the "Application") 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 Order LD25-154. The Application also seeks rent owing, which is the subject of this decision.

[12] On April 1, 2025 the Rental Office mailed and emailed the parties notice of a teleconference hearing scheduled for April 17, 2025.

[13] On April 14, 2025 the Rental Office emailed the parties a 49-page evidence package (the "Evidence Package").

[14] On April 17, 2025 the Landlord's representative and the Tenant joined the teleconference hearing for determination of the Application. The parties confirmed receipt of the Evidence Package and confirmed that all documents submitted to the Rental Office were included. The parties provided additional documents after the hearing.

ISSUE

A. Does the Tenant owe rent to the Landlord?

ANALYSIS

[15] The parties' evidence establishes that the Tenant owes rent for April 2025, in the amount of \$927.86.

[16] In Order LD25-154 the Tenant is required to vacate the Unit by 5:00 p.m. on May 5, 2025. Therefore, the Tenant is responsible for pro-rated May 2025 rent, in the amount of \$149.65 (5 days divided by 31 days multiplied by \$927.86).

[17] Therefore, the Tenant owes a total rent amount of \$1,077.51.

[18] The Landlord will keep the Tenant's entire security deposit, including interest (\$40.27), in the total amount of \$453.77. Interest is calculated from the date the Tenant first paid the security deposit to the former owner of the Residential Property.

[19] The Tenant will pay the Landlord the \$623.74 balance (\$1,077.51 minus \$453.77) by the timeline below.

[20] The Application is allowed.

IT IS THEREFORE ORDERED THAT

1. The Landlord will keep the Tenant's security deposit, including interest, in the amount of \$453.77.
2. The Tenant will pay the Landlord the amount of \$623.74 by May 28, 2025.

DATED at Charlottetown, Prince Edward Island, this 28th day of April, 2025.

(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 **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.