

INTRODUCTION

- [1] The Landlord seeks an order requiring the Tenant and all occupants, including a subtenant, to vacate the Unit due to the Tenant's notice to end the tenancy.

DISPOSITION

- [2] I find that the Tenant and all occupants, including a subtenant, must vacate the Unit due to the Tenant's notice to end the tenancy.

BACKGROUND

- [3] The Unit is a two-bedroom, one-bathroom rental unit located in a duplex building that the Landlord has owned for three or four years.
- [4] The Landlord and the Tenant entered into a written, fixed-term tenancy agreement for the Unit from May 1, 2024 to April 30, 2025 (the "Tenancy Agreement"). Rent of \$1,700.00 is due on the first day of the month. A security deposit of \$1,700.00 was paid on May 15, 2024.
- [5] On November 23, 2024 the Tenant and a subtenant (the "Subtenant") entered into a subletting agreement for the period of December 1, 2024 to April 30, 2025. Rent in the amount of \$1,700.00 is due on the first day of the month and no security deposit was paid.
- [6] On November 30, 2024 the Tenant moved out of the Unit.
- [7] On April 30, 2025 the Tenant served the Landlord with a notice to end the Tenancy Agreement with an effective date of April 30, 2025 (the "Notice"). The effective date is automatically extended to the earliest effective date of May 31, 2025 under section 54 of the *Residential Tenancy Act* (the "Act").
- [8] On May 12, 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.
- [9] On May 14, 2025 the Rental Office mailed and emailed the parties and the Subtenant notice of a teleconference hearing scheduled for May 29, 2025.
- [10] The Subtenant is involved in this matter as a materially affected person, not a party.
- [11] On May 26, 2025 the Rental Office emailed the parties and the Subtenant a 27-page evidence package.
- [12] On May 27, 2025 the Rental Office emailed the parties and the Subtenant a 23-page supplementary evidence package.
- [13] On May 29, 2025 the Landlord's representative (the "Representative"), the Tenant and the Subtenant participated in a teleconference hearing for determination of the Application. The parties and the Subtenant confirmed receipt of all evidence and confirmed that all evidence submitted to the Rental Office was included in the evidence packages.

ISSUE

- A. Must the Tenant and all occupants, including the Subtenant, vacate the Unit?

ANALYSIS & CONCLUSION

[14] The evidence establishes that the Tenant gave valid notice to the Landlord to end the Tenancy Agreement (section 55). As a result, the Landlord has a valid basis for seeking an order to require the Tenant and all occupants, including the Subtenant, to vacate the Unit.

[15] Sheriff Services cannot enforce this Order until the appeal period has expired (subsection 85(5)).

[16] The appeal periods are stated in subsections 89(4) and (5):

(4) A notice of appeal shall be served on the Commission and other persons referred to in subsection (3) within 20 days after a copy of the Director's order is provided to the person commencing the appeal.

(5) Despite subsection (4), an appeal from an order directing a tenant to vacate the rental unit for non-payment of rent under section 60 or for cause under section 61 shall be served on the Commission within seven days after a copy of the Director's order is given to the tenant.

[17] The Tenancy Agreement is not ending under section 60 or 61, which are based upon a landlord serving an eviction notice to a tenant for non-payment of rent or for cause.

[18] As a result, the legislated appeal period is 20 days. The Rental Office does not have authority (jurisdiction) to reduce this appeal period.

[19] I also note that it would be the same 20-day period appeal period if the Tenancy Agreement was ended by written agreement under subsection 51(3).

[20] The Tenant and all occupants, including the Subtenant, must vacate the Unit by the timeline below, being 20 days from the issuance date of this decision.

[21] Upon receipt of this decision, the Tenant must notify the Subtenant of the timeline that the Subtenant is ordered to vacate the Unit, stated below.

[22] Subsection 74(1) of the *Act* states:

A landlord is entitled to compensation for a former tenant's use and occupation of the rental unit after the tenancy has been terminated.

[23] The Subtenant is already in the process of moving out of the Unit. It is in the Subtenant's best interest to advise the Tenant as soon as possible after they have finished moving out.

[24] Similarly, it is in the Tenant's best interest to advise the Landlord as soon as possible after they become aware that the Subtenant has finished moving out.

[25] To summarize, the parties and the Subtenant should be communicating with one another regarding the status of the move-out.

[26] The Tenant must notify the Landlord in writing when the Tenant becomes aware that all occupants, including the Subtenant, have vacated the Unit.

IT IS THEREFORE ORDERED THAT

1. The tenancy between the parties will terminate effective **5:00 p.m. on June 18, 2025**.
2. The Tenant and all occupants, including the Subtenant, 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. Upon receipt of this decision, the Tenant must notify the Subtenant of the timeline that the Subtenant is ordered to vacate the Unit.
5. The Tenant must notify the Landlord in writing when the Tenant becomes aware that all occupants, including the Subtenant, have vacated the Unit.

DATED at Charlottetown, Prince Edward Island, this 29th day of May, 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.