

INTRODUCTION

- [1] This decision determines an application filed with the Residential Tenancy Office (the "Rental Office") under the *Residential Tenancy Act* (the "Act").
- [2] The Landlord seeks an order against the Tenant for rent owing in the amount of \$6,480.00.

DISPOSITION

- [3] I find that the Tenant must pay the Landlord rent owing in the amount of \$5,256.00.
- [4] The Landlord will keep the Tenant's security deposit, including interest, in the amount of \$2,272.07.
- [5] The Tenant will pay the Landlord the rent owing balance of \$2,983.93 by the timeline below.

BACKGROUND

- [6] The Unit is a two-bedroom, two-bathroom apartment in a 30-unit building that the Landlord has operated for approximately two years.
- [7] The parties entered into a written, fixed-term tenancy agreement for the Unit from May 1, 2023 to April 30, 2024, which converted to a month-to-month agreement. Rent of \$2,160.00 is due on the first day of the month. A security deposit of \$2,160.00 was paid around April 1, 2023.
- [8] On or about April 22, 2025 the Landlord served the Tenant with a *Form 4(A) Eviction Notice* with an effective date of May 12, 2025 (the "Notice") for non-payment of April rent, in the amount of \$2,160.00.
- [9] On May 13, 2025 the Landlord filed a *Form 2(B) Landlord Application to Determine Dispute* (the "Application") with 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 LD25-190. The Application also seeks rent owing, which is the subject of this decision. The Landlord served the Tenant with a copy of the Application.
- [10] On May 16, 2025 the Rental Office emailed the Landlord notice of a teleconference hearing scheduled for June 3, 2025. On May 17, 2025 the Landlord provided the Rental Office with evidence showing that the notice of hearing was taped to the Tenant's door.
- [11] The Landlord provided some evidence to the Rental Office by the May 28, 2025 evidence deadline. The Tenant did not submit evidence. The Landlord also provided some late evidence.
- [12] On June 3, 2025 the Landlord's representative joined the teleconference hearing for determination of the Application. I telephoned the Tenant but the Tenant did not answer the call and I was unable to leave a voicemail message. Ten minutes after the scheduled hearing time the hearing proceeded in the Tenant's absence.

ISSUE

- A. Does the Tenant owe rent to the Landlord?

ANALYSIS

- [13] The evidence establishes that the Tenant owes rent for April and May 2025, in the amount of \$4,320.00.

- [14] In Order LD25-190 the Tenant and all occupants are required to vacate the Unit by 5:00 p.m. on June 13, 2025. The Tenant also owes rent from June 1 to 13, 2025 in the amount of \$936.00 (13 days divided by 30 days multiplied by \$2,160.00).
- [15] The total rent owing for the period of April 1 to June 13, 2025 is \$5,256.00 (\$4,320.00 plus \$936.00).
- [16] The Landlord will keep the Tenant's security deposit (\$2,160.00), including interest (\$112.07), in the amount of \$2,272.07.
- [17] The Tenant must pay the Landlord the rent owing balance, in the amount of \$2,983.93 (\$5,256.00 minus \$2,272.07) by the timeline below.

IT IS THEREFORE ORDERED THAT

1. The Landlord will keep the Tenant's security deposit, including interest, in the amount of \$2,272.07.
2. The Tenant will pay the Landlord the amount of \$2,983.93 by July 3, 2025.

DATED at Charlottetown, Prince Edward Island, this 3rd day of June, 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.