

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 requiring the Tenant and all occupants to vacate the Unit for non-payment of rent.

DISPOSITION

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

BACKGROUND

- [4] The Unit is a two-bedroom, one-bathroom apartment in a twelve-unit building (the "Residential Property").
- [5] The Tenant and a former owner of the Residential Property entered into a written, fixed-term tenancy agreement for the Unit from October 16, 2021 to October 31, 2022 (the "Tenancy Agreement"). At the end of the fixed-term the tenancy continued on a month-to-month basis. A security deposit of \$1,500.00 was paid before the Tenant moved into the Unit. Rent of \$1,580.54 is due on the first day of the month.
- [6] On December 1, 2023 the Landlord commenced operating the Unit and the Tenancy Agreement continued.
- [7] On May 5, 2025 the Landlord served the Tenant with a *Form 4(A) Eviction Notice* with an effective date of May 25, 2025 (the "Notice") for non-payment of May rent, in the amount of \$1,580.54.
- [8] On May 27, 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 determined in this decision. The Application also seeks rent owing, which is determined in Order LD25-224.
- [9] On June 6, 2025 the Rental Office mailed and emailed the parties notice of a teleconference hearing scheduled for June 19, 2025.
- [10] On June 10, 2025 the Rental Office mailed and emailed the parties notice of a revised teleconference hearing scheduled for June 19, 2025.
- [11] On June 16, 2025 the Rental Office emailed the parties a 25-page evidence package.
- [12] On June 19, 2025 the Landlord's representative (the "Representative") and the Tenant joined the teleconference hearing for determination of the Application. The parties confirmed that all evidence submitted to the Rental Office was included in the evidence package.

ISSUE

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

ANALYSIS

- [13] The Landlord's reason for terminating the tenancy is under subsection 60(1) of 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.

- [14] The Tenant was responsible for paying May rent to the Landlord by May 1, 2025. The evidence establishes that the rent was not paid on time and \$1,580.54 was owed as of May 5, 2025, the date that the Notice was served.
- [15] The rent owing was not paid by May 15, 2025. 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.*
- [16] The Tenant did not pay May 2025 rent until June 6, 2025. The Tenant currently owes the Landlord June 2025 rent.
- [17] The Tenant did not file an application with the Rental Office disputing the Notice.
- [18] The evidence does not establish that the Notice was waived, the tenancy was reinstated or a new tenancy was created under section 74 of the *Act*.
- [19] For these reasons, I find that the Notice is valid and the Application is allowed.
- [20] The Tenant and all occupants must vacate the Unit by the timeline below.

IT IS THEREFORE ORDERED THAT

1. The tenancy between the parties will terminate effective **5:00 p.m. on June 30, 2025**.
2. The Tenant 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*.

DATED at Charlottetown, Prince Edward Island, this 23rd 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 **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.