

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 an eight-unit building (the “Residential Property”).
- [5] The Tenant and a former owner of the Residential Property entered into a written tenancy agreement that started around February 1, 2018 (the “Tenancy Agreement”). A security deposit of \$500.00 was paid. Rent of \$820.00 is due on the first day of the month.
- [6] In 2021 the Landlord purchased the Residential Property and the Tenancy Agreement continued.
- [7] On May 2, 2025, after 5:00 p.m., the Landlord emailed the Tenant a *Form 4(A) Eviction Notice* with an effective date of May 23, 2025 (the “Notice”) for non-payment of rent, in the amount of \$1,230.00.
- [8] On May 26, 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 LD25-234.
- [9] On June 12, 2025 the Rental Office mailed and emailed the parties notice of a teleconference hearing scheduled for June 26, 2025.
- [10] On June 20, 2025 the Rental Office emailed the parties a 16-page evidence package.
- [11] On June 26, 2025 the Landlord’s two representatives joined the teleconference hearing for determination of the Application. I telephoned the Tenant and the Tenant did not answer. I emailed the Tenant an additional copy of the updated notice of hearing. The hearing proceeded in the Tenant’s absence ten minutes after the scheduled time.

ISSUE

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

ANALYSIS

- [12] 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.

[13] The Tenant was responsible for paying April rent to the Landlord by April 1, 2025 and May rent by May 1, 2025. The evidence establishes that the rent was not paid on time and \$1,230.00 was owing as of May 2, 2025, the date that the Notice was emailed to the Tenant.

[14] The rent owing was not paid within ten days of service. 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.

[15] The Tenant did not pay any rent after the Notice was served.

[16] The Tenant did not file an application with the Rental Office disputing the Notice.

[17] 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*.

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

[19] 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 July 3, 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 26th 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.