

## INTRODUCTION

- [1] This decision determines an application filed with the Residential Tenancy Office ("Rental Office") under the *Residential Tenancy Act* ("Act").
- [2] The Landlord seeks to 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 three-bedroom, one-bathroom apartment in a twelve-unit building ("Residential Property").
- [5] The Tenant and a former owner of the Residential Property entered into a written tenancy agreement that started around April 1, 2006 ("Tenancy Agreement"). A security deposit of \$425.00 was paid. Rent of \$1,157.01 is due on the fourth day of the month.
- [6] In 2023 the Landlord purchased the Residential Property and the Tenancy Agreement continued.
- [7] On May 9, 2025 the Landlord's representative ("Representative") served the Tenant a *Form 4(A) Eviction Notice* with an effective date of May 31, 2025 ("First Notice") for non-payment of rent, in the amount of \$2,381.52.
- [8] On June 10, 2025 the Representative served the Tenant another *Form 4(A) Eviction Notice* with an effective date of July 1, 2025 ("Second Notice") for non-payment of rent, in the amount of \$2,471.52.
- [9] On June 18, 2025 the Representative filed a *Form 2(B) Landlord Application to Determine Dispute* ("Application") with the Rental Office seeking vacant possession of the Unit and for Sheriff Services to put the Landlord in possession, which is determined in this decision. The Application also seeks rent owing, which is determined in Order LD25-246.
- [10] On June 25, 2025 the Rental Office mailed and emailed the parties notice of a teleconference hearing scheduled for July 8, 2025.
- [11] On July 3, 2025 the Rental Office emailed the parties a 65-page PDF evidence package.
- [12] On July 4, 2025 the Rental Office emailed the parties an update to the teleconference details. The Tenant responded to the Rental Office's email acknowledging the update.
- [13] On July 8, 2025 the Representative joined the teleconference hearing for determination of the Application. I emailed the Tenant the updated teleconference details, along with the Rental Office's telephone number. The Tenant's telephone number provided was not the Tenant's number. The hearing proceeded in the Tenant's absence ten minutes after the scheduled time.
- [14] After the hearing concluded the Tenant contacted the Rental Office stating that he was waiting on the teleconference call. The Tenant stated that he could not find the email with the new teleconference call details and used the old teleconference details.
- [15] I note that the Tenant previously acknowledged the update to the teleconference details and that I emailed the Tenant again with the teleconference details prior to the start of the hearing.

**ISSUE**

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

**ANALYSIS****Service of Documents & Tenant's Absence**

- [16] I am satisfied that the Tenant was sufficiently served all documents in this proceeding. The Rental Office had to update its teleconference numbers and IDs, which all parties were provided in an email update on July 4, 2025. The Tenant responded to the Rental Office's email acknowledging he received the email and the updated teleconference details.
- [17] The Tenant was again emailed the updated teleconference details prior to the start of the hearing. It appears that the Tenant did not have readily available the updated teleconference details, but had the old teleconference details available. The Tenant used the old teleconference details and was unable to join and participate in the teleconference hearing.
- [18] The hearing proceeded in the Tenant's absence. Despite the Tenant's reason for not participating, I will determine this decision based upon the merits of the Application.
- [19] I further note that the Tenant did not submit any evidence for this matter.

**Non-payment of Rent**

- [20] 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.*

- [21] The Tenant was responsible for paying May rent to the Landlord by May 4, 2025. The evidence establishes that the rent was not paid on time and \$1,157.01 was owing as of May 9, 2025, the date that the First Notice was served to the Tenant.
- [22] The rent owing was not paid within ten days of service. Therefore, the First 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.*

- [23] The Tenant did not pay any rent after the First Notice was served.
- [24] The Tenant did not file an application with the Rental Office disputing the First Notice.
- [25] The evidence does not establish that the First Notice was waived, the tenancy was reinstated or a new tenancy was created under section 74 of the *Act*.
- [26] For these reasons, I find that the First Notice is valid and the Application is allowed.
- [27] As I have found that the First Notice is valid, I do not have to make a determination on the Second Notice. 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 15, 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 8th day of July, 2025.

(sgd.) Cody Burke

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**Cody Burke**  
**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.