

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 an order against the Tenant for rent owing in the amount of \$1,050.00.

DISPOSITION

- [3] I find that the Landlord has established a claim for rent owing in the amount of \$779.03
- [4] The Landlord will keep the Tenant's security deposit, including interest, in the amount of \$527.37. The Tenant will pay the Landlord the rent owing balance of \$251.66 by the timeline below.

BACKGROUND

- [5] The Unit is a studio apartment in a fourplex ("Residential Property").
- [6] On May 18, 2025 the parties entered into a written, fixed-term tenancy agreement, which ends May 31, 2026. A security deposit of \$525.00 was paid. Rent of \$1,050.00 is due on the first day of the month.
- [7] On June 5, 2025 the Landlords served the Tenant with a *Form 4(A) Eviction Notice* with an effective date of June 30, 2025 ("First Notice") for an unreasonable number of occupants, disturbing others and engaging in illegal activity.
- [8] On June 16, 2025 the Tenant filed a *Form 2(A) Tenant Application to Determine Dispute* with the Rental Office disputing the First Notice ("Tenant Application").
- [9] On June 19, 2025 the Rental Office mailed and emailed the parties notice of a teleconference hearing scheduled for July 15, 2025.
- [10] On July 2, 2025 the Landlords served the Tenant a second *Form 4(A) Eviction Notice* with an effective date of July 22, 2025 ("Second Notice") for non-payment of rent.
- [11] On July 9, 2025 the Rental Office emailed the parties a 23-page PDF evidence package and a 4-page PDF supplementary evidence package.
- [12] On July 14, 2025 the Landlords filed a *Form 2(B) Landlord Application to Determine Dispute* ("Landlord 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 Order LD25-255. The Landlord Application also seeks rent owing, which is determined in this decision.
- [13] On July 14, 2025 the Rental Office emailed the parties an 8-page PDF additional evidence package.
- [14] On July 15, 2025 the Landlords and the Landlords' witness ("LW") joined the teleconference hearing. The Tenant did not join the teleconference hearing. I emailed the Tenant the teleconference details and the Rental Office phone number. I telephoned the Tenant and was unable to leave a voicemail message. The hearing proceeded in the Tenant's absence ten minutes after the scheduled hearing.
- [15] The hearing proceeded only with the Landlord Application. The Tenant Application was postponed.

ISSUE

- A. Does the Tenant owe rent to the Landlords? Can the Landlords keep the Tenant's security deposit?

ANALYSIS

- [16] The evidence establishes that the Tenant owes the Landlord rent for July 2025.
- [17] In Order LD25-255, the tenancy agreement is terminated effective 5:00 p.m. on July 23, 2025. The Tenant must pay the Landlords rent for July 1 to 23, 2025, in the amount of \$779.03 (23 days divided by 31 days multiplied by \$1,050.00).
- [18] The Landlords will keep the Tenant's security deposit, including interest, in the amount of \$527.37 for rent owing. The Tenant must pay the Landlord the rent owing balance of \$251.66 by the timeline below.

IT IS THEREFORE ORDERED THAT

1. The Landlords will keep the Tenant's security deposit, including interest, in the amount of \$527.37.
2. The Tenant must pay the Landlord the amount of \$251.66 by August 18, 2025.

DATED at Charlottetown, Prince Edward Island, this 16th day of July, 2025.

(sgd.) Cody Burke

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 **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.