

## 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 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 9-unit building.
- [5] On September 1, 2023 the parties signed a *Form 1 Standard Form of Rental Agreement*, monthly rental agreement. A security deposit of \$1,010.00 was paid. Rent in the amount of \$1,063.92 is due on the first day of the month.
- [6] On June 2, 2025 the Landlord's representative ("Representative") served the Tenant with an earlier version of the *Form 4(A) Eviction Notice* with an effective date of June 25, 2025 ("Notice") for non-payment of rent.
- [7] On June 30, 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 LD25-266.
- [8] On July 9, 2025 the Rental Office mailed and emailed the parties notice of a teleconference hearing scheduled for July 22, 2025, along with a copy of the Application.
- [9] On July 18, 2025 the Rental Office emailed the parties a 13-page PDF evidence package.
- [10] On July 22, 2025 the Representative and the Tenant joined the teleconference hearing for determination of the Application. The parties confirmed that they received the evidence package and confirmed that all evidence submitted was included.

## ISSUE

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

## ANALYSIS & FINDINGS

- [11] 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.*

- [12] The Tenant was responsible for paying June rent to the Landlord by June 1, 2025. The evidence establishes that the rent was not paid on time and \$1,063.92 was owing as of June 2, 2025, the date the Notice was served to the Tenant.

- [13] 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.*

- [14] The Tenant did not pay any rent after the Notice was served. The Tenant now also owes July rent.
- [15] The Tenant also did not file an application with the Rental Office disputing the Notice.
- [16] I find that the evidence establishes that the Notice is valid and the Application is allowed. The Tenant and all occupants must vacate the Unit by the timeline below.

### Tenancy Agreement Form

- [17] I note that the Landlord used an expired form for the written tenancy agreement. The current standard form tenancy agreement (*Form 1 – Standard Form of Tenancy Agreement*) is available on the Rental Office's website.

### Standard Form Eviction Notice

- [18] The Notice is an earlier version of the Rental Office's standard *Form 4(A) Eviction Notice*. The current standard form eviction notice is available on the Rental Office's website.

### IT IS THEREFORE ORDERED THAT

1. The tenancy between the parties will terminate effective **5:00 p.m. on July 29, 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 22nd 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 **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.