

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, repeatedly late paying rent and damage.

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-and-a-half-bathroom rental unit in a triplex.
- [5] On May 27, 2022 the parties entered into a one-year fixed-term rental agreement, which continued on a monthly basis. A \$1,550.00 security deposit was paid. Rent in the amount of \$1,634.25 is due on the first day of the month.
- [6] On May 21, 2025 the Landlord served the Tenant with a *Form 4(A) Eviction Notice*. However, the eviction notice was incorrectly served.
- [7] On June 9, 2025 the Landlord served the Tenant with a new *Form 4(A) Eviction Notice* with an effective date of June 29, 2025 ("Notice") for non-payment of rent, repeatedly late paying rent and damage.
- [8] On June 30, 2025 the Landlord 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 and unpaid utilities, which is determined in Order LD25-270. The Application was amended on July 14, 2025.
- [9] On July 16, 2025 the Rental Office mailed and emailed the parties notice of a teleconference hearing scheduled for July 24, 2025 along with a copy of the Application.
- [10] On July 22, 2025 the Rental Office emailed the parties a 37-page PDF evidence package.
- [11] On July 24, 2025 the Landlord joined the teleconference hearing. The Tenant did not join. I telephoned the Tenant and left voicemail message with the teleconference details and Rental Office number. The hearing proceeded in the Tenant's absence ten minutes after the scheduled hearing. The Landlord confirmed that all evidence submitted to the Rental Office was included. The Tenant did not submit any evidence.

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 June rent to the Landlord by June 1, 2025. The evidence establishes that the Tenant owes rent for March, April, May, June and July 2025. The Tenant also owes unpaid utilities. As of June 9, 2025, the date the Notice was served to the Tenant, the Tenant owed rent for March, April, May and June 2025, plus unpaid utilities.
- [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 the rent after the Notice was served. The Tenant now also owes July rent.
- [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.
- [17] As I have already determined that the Notice is valid for non-payment of rent, I will not make a further determination on the other reasons on the Notice.

IT IS THEREFORE ORDERED THAT

1. The tenancy between the parties will terminate effective **5:00 p.m. on July 31, 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 24th 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.