

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 and unpaid utilities, in the total amount of \$8,913.30.

DISPOSITION

- [3] I find that the Landlord has established a claim for rent owing and unpaid utilities, in the total amount of \$8,913.30.
- [4] The Landlord will keep the Tenant's security deposit, including interest, in the amount of \$1,645.39. The Tenant will pay the Landlord the remaining balance of \$7,267.91 by the timeline below.

BACKGROUND

- [5] The Unit is a two-bedroom, one-and-a-half-bathroom rental unit in a triplex.
- [6] 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.
- [7] On May 21, 2025 the Landlord served the Tenant with a *Form 4(A) Eviction Notice*. However, the eviction notice was incorrectly served.
- [8] 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.
- [9] 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 Order LD25-269. The Application also seeks rent owing and unpaid utilities, which is determined in this decision. The Application was amended on July 14, 2025.
- [10] 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.
- [11] On July 22, 2025 the Rental Office emailed the parties a 37-page PDF evidence package.
- [12] 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. Does the Tenant owe rent and unpaid utilities to the Landlord? Can the Landlord keep the Tenant's security deposit?

ANALYSIS

- [13] The evidence establishes that the Tenant owes the Landlord rent for March, April, May, June and July 2025. The Tenant also owes the Landlord for unpaid utilities.
- [14] In Order LD25-269, the tenancy is terminated effective 5:00 p.m. on July 31, 2025. The Tenant must pay the Landlord rent for March, April, May, June and July 2025, in the amount of \$8,171.25 (\$1,634.25 x 5 months). The Tenant will also pay the Landlord unpaid utilities in the amount of \$742.05.
- [15] The Landlord's total claim is \$8,913.30.
- [16] The Landlord will keep the Tenant's security deposit, including interest, in the amount of \$1,645.39 for rent owing and unpaid utilities. The Tenant must pay the Landlord the remaining balance of \$7,267.91 by the timeline below.

IT IS THEREFORE ORDERED THAT

1. The Landlord will keep the Tenant's security deposit, including interest, in the amount of \$1,645.39.
2. The Tenant must pay the Landlord the amount of \$7,267.91 by September 29, 2025.

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 **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.