

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, disturbing others and illegal activity on the property.

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 one-bedroom, one-bathroom, rental unit in an 18-unit building ("Residential Property").
- [5] The parties entered into a tenancy agreement in December 2022. A \$580.00 security deposit was paid. Rent in the amount of \$611.00 is due on the first day of the month.
- [6] On June 10, 2025 the Landlord's representative ("Representative") served the Tenant with a *Form 4(A) Eviction Notice* with an effective date of June 30, 2025 ("Notice") for non-payment of rent, disturbing others and illegal activity on the Residential Property.
- [7] On July 9, 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 LD25-277. The Application was taped to the Unit's door.
- [8] On July 17, 2025 the Rental Office emailed the Representative a notice of teleconference hearing scheduled for July 29, 2025. The Representative taped a copy of the notice of hearing to the Unit's door.
- [9] On July 24, 2025 the Rental Office emailed the Representative a 10-page PDF evidence package. The Representative taped a copy of the evidence package to the Unit's door. The Tenant did not submit any evidence.
- [10] On July 29, 2025 the Representative joined the teleconference hearing. The Tenant did not join. I telephoned the Tenant and left a voicemail message with the Rental Office's telephone number. The hearing proceeded in the Tenant's absence ten minutes after the scheduled hearing. The Representative confirmed that all evidence submitted to the Rental Office was included in the evidence package.

ISSUE

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

ANALYSIS

- [11] The Landlord's first 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. As of June 10, 2025, the date the Notice was served to the Tenant, the Tenant owed rent for May and June 2025.
- [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 the rent after the Notice was served. The Tenant now also owes July rent.
- [15] 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.
- [16] 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 for termination in the Notice.
- [17] I note that the Tenant does not have an email address for service of this Order. I have instructed the Representative to post a copy of this Order to the Unit's door immediately upon delivery (see clause 87(1)(d) of the *Act*).

IT IS THEREFORE ORDERED THAT

1. The tenancy between the parties will terminate effective **5:00 p.m. on August 5, 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 29th 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.