

**INTRODUCTION**

- [1] This decision determines an application filed with the Residential Tenancy Office (the "Rental Office") under the *Residential Tenancy Act* (the "Act").
- [2] The Landlord seeks rent owing from the Tenant in the amount of \$5,672.73.

**DISPOSITION**

- [3] I find that the Landlord has established a claim for rent owing in the amount of \$5,672.73.
- [4] The Landlord will keep the Tenant's security deposit, including interest, in the amount of \$879.46.
- [5] The Tenant will pay the Landlord the rent owing balance of \$4,793.27 by the timeline below.

**BACKGROUND**

- [6] The Unit is an apartment in a multi-unit building (the "Residential Property").
- [7] The Tenant and a previous landlord entered into a written fixed-term tenancy agreement for the Unit, effective from December 10, 2020, to December 31, 2021. The tenancy agreement then continued on a month-to-month basis. A security deposit of \$825.00 was paid at the beginning of the tenancy.
- [8] In September 2023, the Landlord purchased the Residential Property, and the tenancy continued. Rent of \$886.77 is due on the first day of each month. The security deposit was transferred to the Landlord.
- [9] On June 10, 2025, the Landlord served the Tenant with a *Form 4(A) Eviction Notice* with an effective date of July 1, 2025 (the "Notice") for non-payment of rent of \$4,168.85.
- [10] On July 2, 2025, the Landlord filed with the Rental Office a *Form 2(B) Landlord Application to Determine Dispute* seeking vacant possession of the Unit and for the Sheriff to put the Landlord in possession, which is determined in Order LD25-299. The Application also seeks rent owing, which is determined in this Order (the "Application").
- [11] On July 24, 2025, the Rental Office mailed and emailed the parties notice of a teleconference hearing scheduled for August 7, 2025.
- [12] On July 31, 2025, the Rental Office emailed a 68-page PDF evidence package to the parties.
- [13] On August 7, 2025, the Rental Office emailed the parties notice of a rescheduled teleconference hearing for August 11, 2025.
- [14] On August 11, 2025, the Landlord's representative (the "Representative") called into the teleconference hearing. I telephoned the Tenant, but there was no answer, and I left a voicemail for the Tenant.
- [15] The hearing proceeded in the Tenant's absence about ten minutes after the scheduled time. The Representative confirmed receipt of the evidence package and stated that all evidence the Landlord submitted to the Rental Office was included.
- [16] The Landlord submitted additional evidence after the hearing, which was forwarded to the Tenant.

**ISSUE**

A. Does the Tenant owe the Landlord rent? Can the Landlord keep the Tenant's security deposit?

**ANALYSIS AND CONCLUSION**

[17] In Order LD25-299, the Landlord established that the Tenant owes the Landlord rent for February to July 2025, and a \$45.00 NSF charge, totalling \$5,100.62.

[18] The tenancy agreement is terminated effective August 20, 2025. The Tenant must also pay the Landlord rent from August 1 to 20, 2025, in the amount of \$572.11 (20 days divided by 31 days multiplied by \$886.77).

[19] The total amount of rent owing is \$5,672.73.

[20] I find that the Landlord will keep the Tenant's security deposit, including interest, of \$879.46, for rent owing.

[21] I find that the Tenant must pay the Landlord the rent owing balance of \$4,793.27 by the timeline below.

**IT IS THEREFORE ORDERED THAT**

1. The Landlord will keep the Tenant's security deposit, including interest, of \$879.46, for rent owing.
2. The Tenant must pay the Landlord \$4,793.27 by October 14, 2025.

**DATED** at Charlottetown, Prince Edward Island, this 13th day of August, 2025

(sgd.) Mitch King

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**Mitch King**  
**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.